

EDUCATION COMMITTEE
ADMINISTRATIVE RULES REVIEW
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2008 Legislative Session

IDAPA 08 - STATE BOARD OF EDUCATION

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EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.05 - THE IDAHO PROMISE SCHOLARSHIP PROGRAM

DOCKET NO. 08-0105-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, and Title 33 Chapter 43, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes in the pending rule, therefore, the pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, page 181.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dana Kelly at (208) 332-1574.

DATED this 2nd day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone
(208) 334-2632 FAX

EDUCATION COMMITTEE

**STATE BOARD OF EDUCATION
Idaho Promise Scholarship Program**

**Docket No. 08-0105-0701
PENDING RULE**

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

EFFECTIVE DATE: The effective date of the temporary rule is August 9, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, and Title 33 Chapter 43, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This docket will repeal this chapter of rules. The rules are being rewritten under Docket No. 08-0105-0702.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To be in compliance with deadlines in amendments to governing law or federal programs. Changes to the statute during the 2007 legislative session to the Robert R. Lee Promise Scholarship Program will require rule amendments.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the statute requires the rules to be in place immediately. Also, staff from the Office of the State Board of Education worked with the Idaho students and participating institutions so they are aware of the amendment.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN

EDUCATION COMMITTEE

STATE BOARD OF EDUCATION
Idaho Promise Scholarship Program

Docket No. 08-0105-0701
PENDING RULE

COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dana Kelly at (208) 332-1574.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 9th day of August, 2007.

IDAPA 08.01.05 IS BEING REPEALED IN ITS ENTIRETY.

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.05 - IDAHO PROMISE SCHOLARSHIP PROGRAM

DOCKET NO. 08-0105-0702 (CHAPTER REWRITE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, and Title 33 Chapter 43, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes in the pending rule, therefore, the pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 182 through 191.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dana Kelly at (208) 332-1574.

DATED this 2nd day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1567 phone
(208) 334-2632 FAX

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

EDUCATION COMMITTEE

STATE BOARD OF EDUCATION
Idaho Promise Scholarship Program

Docket No. 08-0105-0702
PENDING RULE (Chapter Rewrite)

EFFECTIVE DATE: The effective date of the temporary rule is August 9, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, and Title 33 Chapter 43, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This docket is a complete rewrite of this chapter of rules. The rules are being repealed under Docket No. 08-0105-0701. Changes made during the 2007 Idaho Legislative session now allow students who have been home-schooled, to apply for this scholarship. The rules need to be rewritten to modify the selection criteria to allow for the inclusion of home-schooled students. At the same time, the State Board of Education would like to clean up language, reformat the rules, and make them more user friendly.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To be in compliance with deadlines in amendments to governing law or federal programs. Changes to the statute during the 2007 legislative session to the Robert R. Lee Promise Scholarship Program will require rule amendments.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the statute requires the rules to be in place immediately. Also, staff from the Office of the State Board of Education worked with the Idaho students and participating institutions so they are aware of the amendment.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN

EDUCATION COMMITTEE

STATE BOARD OF EDUCATION
Idaho Promise Scholarship Program

Docket No. 08-0105-0702
PENDING RULE (Chapter Rewrite)

COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dana Kelly at (208) 332-1574.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 9th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 08 TITLE 01 CHAPTER 05

08.01.05 - IDAHO PROMISE SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority of the State Board of Education (the Board) under Section 33-105 and Title 33, Chapter 43, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.01.05, "Idaho Promise Scholarship Program." ()

02. Scope. These rules constitute the requirements for the Idaho Promise Scholarship Program, Promise A and Promise B. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code any written interpretation of the rules of this chapter are available at the Board office. ()

003. ADMINISTRATIVE APPEAL.

Unless otherwise provided for in the rules of the Board or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. ()

004. INCORPORATION BY REFERENCE.

There are no documents to incorporate by reference pursuant to, and in accordance with Section 67-5229, Idaho Code. ()

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STATE BOARD OF EDUCATION
Idaho Promise Scholarship Program

Docket No. 08-0105-0702
PENDING RULE (Chapter Rewrite)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Board is in Boise, Idaho. The mailing address is PO Box 83720, Boise, ID 83720-0037. The Board's street address is 650 West State Street, Room 307, Boise, Idaho 83702. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record. ()

007. DEFINITIONS.

These definitions are applicable to this chapter only. ()

01. Full-Time Student. An average of at least twelve (12) credit hours per semester, including any remedial coursework. ()

02. Secondary School Equivalent. The instruction of students in grades nine (9) through twelve (12), provided by home schools or other educational delivery systems or by successful completion of the General Educational Development (GED) test. ()

03. Idaho Secondary School. Any secondary school located in the state of Idaho, including secondary schools located in border school districts attended by Idaho residents in accordance with Section 33-1403, Idaho Code. ()

04. High School Record for Promise A Students. An individual's cumulative grade point average (GPA) for grades nine (9) through twelve (12), and difficulty of course load taken as certified by an official of such secondary school. ()

05. High School Record for Promise B Students. An individual's secondary school cumulative grade point average for grades nine (9) through twelve (12), or a composite score on the American College Test (ACT), or a sum of sub-scores on the ACT Computerized Adaptive Placement Assessment and Support System (COMPASS), or a combined score on the College Board's Scholastic Aptitude Test I (SAT). ()

06. Grade Point Average or GPA. Means the average earned by a student, figured by dividing the unweighted grade points earned on a scale of four point zero (4.0) by the number of credits attempted. ()

008. OBJECTIVES OF THE IDAHO PROMISE SCHOLARSHIP PROGRAM.

The legislature has recognized and declared that substantial economic and social benefits accrue to the state because of an educated citizenry, and that the encouragement of the State's most talented Idaho secondary school graduates to enroll in Idaho educational institutions is an important element for assuring the future leadership in the State. See Chapter 43, Title 33, Idaho Code. The Idaho Promise Scholarship Program recognizes high standards of achievement, as measured by competitive examination and high school records of graduates of public, private, or the equivalent secondary schools in Idaho who attend public or independent postsecondary institutions in Idaho. ()

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PENDING RULE (Chapter Rewrite)

009. MONETARY VALUE OF THE SCHOLARSHIP.

01. Monetary Value. The monetary value of each Promise A and Promise B scholarship shall be set annually by the Board in accordance with Sections 33-4307(2), (3) et seq., Idaho Code. ()

02. Duration. The grant covers up to one (1) educational year or equivalent for attendance at an eligible postsecondary educational institution, as defined in Section 33-4306(1), Idaho Code. ()

010. SELECTION AND ELIGIBILITY REQUIREMENTS OF SCHOLARSHIP RECIPIENTS.

01. Selection and Eligibility Requirements. Selection and eligibility requirements for a scholarship are based upon the provisions of the Idaho Promise Scholarship Program. Applicants for the Idaho Promise Scholarship are responsible for providing to the eligible institution in which he intends to enroll and/or the Board any and all information necessary to verify a student's eligibility for the Idaho Promise Scholarship. ()

02. Educational Costs. The recipient must certify that this scholarship, if awarded, will be used only for educational costs as defined in Section 33-4306, Idaho Code. ()

03. Enrollment. The recipient must pursue an undergraduate course of study leading to a degree, certificate, diploma, or other documentation of completion, which requires at least six (6) months, or equivalent of consecutive attendance. Furthermore, the applicant shall not enroll in an educational program leading directly to a baccalaureate degree in theology or divinity. ()

04. Compliance. The recipient must comply with all the provisions of the Idaho Promise Scholarship Program and these rules. ()

011. ADMINISTRATION.

The Board has delegated to the Board office the responsibility for the administration of the Idaho Promise Scholarship Program. As administrator, the Board office is responsible for releasing any public information regarding the Idaho Promise Scholarship Program, determination of scholarship recipients, determination of procedures for payment of scholarships to recipients, maintaining fiscal controls and accounting procedures, preparing annual reports as required, and authorizing release of all forms, affidavits, and certification necessary for the operation of the program. ()

012. AUTHORITY OF THE BOARD.

With the sole exception of the ability to audit the Idaho Promise Scholarship Program as set forth in Section 013 of this chapter, these rules do not grant any authority to the Board to control or influence the policies of any eligible, nonpublic postsecondary education institution or community college because those institutions accept as students recipients of the Idaho Promise Scholarship, nor do these rules require any institution to admit or, once admitted, retain a recipient of an Idaho Promise Scholarship. ()

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013. AUDIT.

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and/or an auditor designated by the Board to ensure compliance with the statutes, rules, and policies governing the Idaho Promise Scholarship Program. ()

014. -- 099. (RESERVED).

100. PROMISE A SCHOLARSHIP.

The following Sections 100 through 108 specifically relate to the Idaho Promise A Scholarship. ()

101. PROMISE A NUMBER OF SCHOLARSHIPS.

The total number of initial and continuing scholarships will not exceed the number authorized in the Idaho Promise Scholarship Program or by the appropriation to support the program, whichever is less. The number of initial scholarships to individuals enrolled in academic and professional-technical programs shall be determined annually by the Board. If the number of qualified professional-technical applicants is not sufficient, additional awards will be given to qualified academic applicants. ()

102. PROMISE A PRIORITY FOR AWARD.

In the event the state of Idaho does not provide an appropriation sufficient to support the maximum number of scholarships authorized by the Idaho Promise Scholarship Program, the priority for initial and continuing scholarships will be as follows: ()

01. Highest Priority. Highest priority is given to continuing recipients in an order beginning with the date of the initial award. However, in the event further priority must be established among continuing recipients, the recipient's rank within the recipient's academic or professional-technical major and class will be used, with priority given to the recipient with a higher ranking within the recipient's academic or professional-technical major and class. ()

02. Secondary Priority. Secondary priority is given to initial scholarship recipients until the appropriation is exhausted or the maximum number of initial scholarships authorized by the Idaho Promise Scholarship Program is reached, whichever is less. ()

103. PROMISE A SCHEDULE FOR APPLICATION, NOTICE, AND RESPONSE TO COMMUNICATIONS.

01. Initial Applications. Completed applications for initial scholarships must be submitted to the Board office electronically no later than January 15 for the awarding of initial scholarships for such year. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service which must be postmarked no later than January 15. ()

02. Announcement of Award. Announcement of award of initial scholarships will be made no later than May 1 of each year, with awards to be effective July 1 of that year. ()

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03. Deadline for Acceptance. An applicant notified that he has been selected as a recipient must respond in writing by the date specified regarding the recipient's intent to accept the award. Failure to submit a response of acceptance in writing will result in forfeiture of the scholarship. ()

04. Communication With State Officials. Applicants for either initial or continuing scholarships must respond by the date specified to any communication from officials of the Idaho Promise Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. ()

104. PROMISE A RESPONSIBILITIES OF SCHOLARSHIP APPLICANTS AND RECIPIENTS.

01. Application for Initial Scholarship. Applicants for the Idaho Promise Scholarship are responsible for any errors or omissions in the information provided on the electronic, or paper, application form or to the eligible postsecondary institutions. The Board, the Board office, any official of a secondary school in Idaho, an eligible postsecondary educational institution in Idaho, American College Testing, and any official of the Idaho Promise Scholarship Program, individually or collectively, are not responsible for any information provided by an applicant on the electronic, or paper, application form or for any errors or omissions in the information provided by the applicant. In addition, each applicant must submit the required standardized test scores. Applications submitted without the required standardized scores are incomplete and will not be considered for the scholarship. ()

02. Submission of Application. Applicants for initial Idaho Promise A Scholarships are responsible for submitting completed electronic application forms to the Idaho Promise Scholarship Program at the Board office. ()

03. Unused Scholarship Balances. Following the initial award of the scholarship, each recipient is responsible for remitting any reasonable unused scholarship balances to their institutions on behalf of the Board in the event the recipient discontinues attendance before the end of any semester, quarter, term, or equivalent. ()

105. PROMISE A SELECTION AND ELIGIBILITY.

Applicants who intend to enroll in academic programs at eligible Idaho postsecondary educational institutions are selected as recipients on the basis of their high school record and GPA as defined in this chapter. Applicants who intend to enroll in professional-technical programs at eligible Idaho postsecondary educational institutions are selected on the basis of performance on the ACT COMPASS exam and GPA in grades nine through twelve (9-12). To be eligible for consideration, the criteria used during the selection process for Promise A applicants are as follows: ()

01. High School Record and GPA. Academic applicants must have a cumulative GPA of three point five (3.5) or better on a scale of four point zero (4.0). Professional-technical applicants must have a cumulative GPA of two point eight (2.8) or better on a scale of four point zero (4.0). ()

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PENDING RULE (Chapter Rewrite)

02. ACT Composite Score. Academic applicants must verify an ACT composite score of twenty-eight (28) or better. ()

03. COMPASS Score. Professional-technical applicants must provide a copy of their ACT COMPASS report, which must include scores from the Writing Skills, Reading Skills and Mathematics sections of the COMPASS. Alternatively, professional-technical applicants may submit a copy of their ACT report, which will be equated to Compass Writing skills, Reading skills and Mathematics. Scores on the COMPASS report will be evaluated as a whole and used to rank professional-technical applicants. ()

04. Attendance. The applicant must declare an intention of enrolling at an eligible public or private postsecondary educational institution in Idaho (as defined in Section 33-4306(1), Idaho Code) during the academic year immediately following completion of secondary school, or its equivalent in the state of Idaho. ()

05. ACT, GPA and Ranking. Academic applicants are ranked against other academic applicants, and professional-technical applicants are ranked against other professional-technical applicants as follows: ()

a. Equal weight is given to the academic applicant's performance on the prescribed ACT measurements and the applicant's cumulative GPA. ()

b. Equal weight is given to the professional-technical applicant's performance on the ACT COMPASS exam, or comparable score on the ACT exam equated to Compass Writing skills, Reading skills, and Mathematics, and cumulative GPA. ()

106. PROMISE A CONTINUING ELIGIBILITY.

The total grant payments over a period of six (6) years to an individual may not exceed four (4) annual grants. To remain eligible for renewal of a scholarship following the successful completion of the first or freshman year of study, the scholarship recipient must comply with all of the provisions of the Idaho Promise Scholarship Program and these rules in addition to the following requirements: ()

01. Credit Hours. A scholarship recipient must enroll in and complete at least an average of twelve (12) credit hours per semester during the educational year in which the recipient receives the award at an eligible postsecondary institution. ()

02. GPA. A scholarship recipient who does not meet the GPA and enrollment requirements at the end of the educational year will forfeit the scholarship in subsequent years. ()

03. Transfer of Scholarship. A scholarship recipient who transfers from one eligible postsecondary educational institution in Idaho to another must comply with all of the requirements of the Idaho Promise Scholarship Program and these rules to maintain eligibility for the scholarship. The Promise A scholarship recipient must file a statement with the Board office declaring the intention to transfer as a full-time undergraduate student in an academic or professional-technical program in an eligible postsecondary educational institution in Idaho for the succeeding year no later than sixty (60) days prior to the first day of the academic term in

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which the student intends to enroll. ()

04. Eligibility Following Interruption of Continuous Enrollment. A Promise A recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible postsecondary educational institution in Idaho must file a letter of intent to interrupt continuous enrollment no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Failure to do so may result in forfeiture of the scholarship. The Board office will review each request for interruption and notify the applicant of approval or denial of the request. In addition, the recipient must file a statement with the Board office declaring the intent to re-enroll as a full-time undergraduate student in an academic or professional-technical program in an eligible postsecondary institution in Idaho for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the student intends to re-enroll. ()

05. Promise A Recipient. ()

a. Must file a statement with the Board office each year declaring the recipient's intention to continue as a full-time undergraduate student in an academic or professional-technical program at an eligible postsecondary educational institution in Idaho for the succeeding year. The Board office will provide to each eligible institution a list of anticipated recipients. The education official of each institution shall certify to the Board office the current cumulative GPA of those recipients attending said institution. ()

b. Must maintain high standards of performance in the recipient's academic or professional-technical major and class, with a cumulative GPA of three point zero (3.0) or better. ()

107. PROMISE A PAYMENT OF SCHOLARSHIPS.

01. Award. Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to or on behalf of a scholarship recipient. ()

02. Promise A Payments. Payments are made in the name of the recipient and will be sent to a designated official at the postsecondary educational institution in which the recipient is enrolled. The official must certify the applicant's eligibility, and if eligible, transmit the payment to the recipient within a reasonable time following receipt of the payment. ()

108. PROMISE A ADDITIONAL RESPONSIBILITIES OF POSTSECONDARY INSTITUTIONS.

01. Certification of Enrollment. The officials must certify that scholarship recipients have actually enrolled as full-time students. Such certification for Promise A recipients must be submitted when requested by Board office staff, and no later than thirty (30) days following the end of the regular enrollment period. ()

02. Withdrawal from Institution. In the event a scholarship recipient withdraws

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STATE BOARD OF EDUCATION Idaho Promise Scholarship Program

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PENDING RULE (Chapter Rewrite)

from the college, school, or university, the officials at the college, school, or university must certify to the Board office that the recipient has withdrawn. Furthermore, in the event a recipient withdraws from all classes during a semester, quarter, term, or equivalent, the officials must remit to the Board office the amount of any tuition or fees refunded as a result of the withdrawal, after first having returned funds to federal aid programs as required by federal statute, up to the full amount of the scholarship received for the current semester, quarter, term, or equivalent. The following additional provisions apply if a scholarship recipient withdraws from the institution:

()

a. The refund to the Promise Scholarship Program shall be calculated as follows: refund due to the student from the educational institution minus any refund applied towards federal financial aid repayments, as calculated in accordance with the Federal Return of Title IV Funds Formula, provides the refund due the Promise Scholarship, up to the total amount the student received for the term. The educational institution must remit the balance if any as provided in Section 108 of this chapter.

()

b. In the event of extreme hardship as determined by the professional judgment of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Members of the National Guard or Reserves who have been ordered to active military duty are eligible for a waiver of remittance. Each institution shall provide to the Board office an accounting of all waivers granted.

()

c. In the event that the full amount of the student's scholarship for the semester, quarter, term, or equivalent is returned to the state, that semester, quarter, term, or equivalent shall not be considered in determining the student's eligibility for renewal.

()

03. Annual Educational Costs. The officials must certify that the Idaho Promise A Scholarship award does not exceed the average educational costs for students who will be enrolled during the succeeding year.

()

109. -- 199. (RESERVED).

200. PROMISE B SCHOLARSHIP.

The following Sections 200 through 207 specifically relate to the Idaho Promise B Scholarship.

()

201. PROMISE B NUMBER OF SCHOLARSHIPS -- PRIORITY FOR AWARD.

The total number of scholarships awarded to Promise B students will be determined annually by the Board based on the number of eligible students as certified by the eligible postsecondary institutions, the individual award amount, and the availability of funds.

()

202. PROMISE B PRIORITY FOR AWARD.

In the event that the state of Idaho does not provide an appropriation sufficient to award the maximum amount of the scholarship authorized by Section 33-4307(3)(a), Idaho Code then recipients of Promise A Scholarships shall not be eligible to receive Promise B Scholarships. In addition, the Board may proportionally decrease the amount of the Promise B Scholarship so as to provide an award to all eligible students.

()

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203. PROMISE B SCHEDULE FOR APPLICATION, NOTICE, AND RESPONSE TO COMMUNICATIONS.

Applicants for either initial or continuing scholarships must respond by the date specified to any communication from officials of the Idaho Promise Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. ()

204. PROMISE B SELECTION AND ELIGIBILITY.

A student who first enrolls in an eligible Idaho postsecondary institution and who meets the eligibility requirements of the Idaho Promise B Scholarship as verified by the designated financial aid or scholarship office of the eligible institution will receive the Promise B Scholarship. Criteria used to determine eligibility includes the following: ()

01. Grade Point Average for Promise B Scholarship. Applicants must have a cumulative secondary school (grades nine (9) through twelve (12)) GPA of three point zero (3.0) or better on a scale of four point zero (4.0). ()

02. ACT or Equivalent Score. Applicants who do not have a three point zero (3.0) grade point average must verify a composite score of twenty (20) or better on the ACT assessment, or a corresponding score on the SAT I as established on the ACT/SAT I equivalency table, or at least a combined score of one hundred ninety-five (195) from the Writing Skills, Reading Skills and Algebra areas of the ACT COMPASS examination. ()

03. Completion Requirements. The applicant must have completed secondary school or its equivalent in the state of Idaho as defined in Section 007 of this chapter. ()

04. Age Requirements. An individual must be under the age of twenty-two (22) on July 1 of the educational year in which the initial award is made. ()

05. Full-Time. An individual must enroll as a full-time student. ()

205. PROMISE B CONTINUING ELIGIBILITY.

The total grant payments over a period of four (4) years to an individual may not exceed two (2) annual payments. To remain eligible for renewal of a scholarship following the successful completion of the first or freshman year of study, the scholarship recipient must comply with all of the provisions of the Idaho Promise Scholarship Program and these rules in addition to the following requirements: ()

01. Credit Hours. A scholarship recipient must enroll in and complete at least an average of twelve (12) credit hours per semester during the educational year in which the recipient receives the award at an eligible postsecondary institution. ()

02. GPA. A scholarship recipient who does not meet the GPA and enrollment requirements at the end of the educational year will forfeit the scholarship in subsequent years. ()

03. Transfer of Scholarship. A scholarship recipient who transfers from one eligible postsecondary educational institution in Idaho to another must comply with all of the

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requirements of the Idaho Promise Scholarship Program and these rules to maintain eligibility for the scholarship. ()

04. Eligibility Following Interruption of Continuous Enrollment. A Promise B recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible postsecondary education institution in Idaho must contact the financial aid office at the eligible postsecondary institution to request reinstatement of remaining Promise B eligibility. The student must have met the eligibility requirements prior to the interruption of continuous enrollment, and may not attend a non-eligible institution in the interim. The student must notify the financial aid office at the eligible postsecondary institution within the first semester (term) of resumed attendance regarding reinstatement of eligibility in order to qualify for continued Promise B scholarship eligibility. ()

05. Promise B Recipient. The Promise B recipient must maintain high standards of performance by achieving and maintaining a two point five (2.5) cumulative GPA on a four point zero (4.0) system. ()

206. PROMISE B PAYMENT OF SCHOLARSHIPS.

Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to or on behalf of a scholarship recipient. ()

01. Promise B Payments. Payments will be sent to a designated official at the eligible postsecondary educational institution based upon the estimated number of recipients expected to enroll at the institution as provided for in Section 207 of this chapter. The official must transmit the payment to the recipients within a reasonable time following receipt of the payment. Transmittal of funds for the scholarship will be in accordance with a schedule established by the Board office. The schedule will also establish dates by which the following activities will occur to ensure accurate and timely payments to the postsecondary institutions on behalf of recipients. ()

02. Number of Estimated Recipients. The postsecondary educational institutions must submit to the Board office the estimated number of Idaho Promise B fall term and spring term recipients each educational year. ()

03. Semester Payment Schedule. The Board office shall distribute scholarship funds to a designated official at the postsecondary educational institutions at least fifteen (15) days prior to the start of the fall and spring academic terms. ()

04. Mid-Semester Adjustments. The postsecondary educational institution must submit mid-semester scholarship adjustment information, including refunds resulting from withdrawal from the institution, which reports the actual number of students who were eligible to receive the Promise B Scholarship to the Board office each academic term of the educational year. ()

a. Where the postsecondary educational institution has underestimated the number of scholarship recipients, the Board office will send an additional payment on behalf of those students to the educational institutions each academic term of the educational year. ()

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b. Where the postsecondary educational institution has overestimated the number of fall recipients, the Board office will deduct the amount overpaid to the educational institution from its spring semester payment. Spring semester overpayments to the educational institutions must be refunded to the Board office prior to the end of the educational year. ()

05. Year-End Final Report. The postsecondary educational institution must submit to the Board office prior to the end of the educational year a final report indicating for each term the number of students that received an Idaho Promise B scholarship and the number of Promise B scholarships that were matched by the institution. Any outstanding overpayment made to the institution during the educational year must accompany the final year-end report. ()

207. PROMISE B ADDITIONAL RESPONSIBILITIES OF POSTSECONDARY INSTITUTIONS.

In addition to other responsibilities provided for in this chapter, officials of Idaho postsecondary educational institutions in which scholarship recipients have enrolled are responsible for the following: ()

01. Number of Promise B Recipients. The total number of grants to Promise B students will be determined annually. ()

a. The officials of eligible Idaho postsecondary educational institution are responsible for identifying eligible Promise B recipients in accordance with Promise Scholarship Program and these rules. ()

b. The officials must provide to the Board office an estimation of the number of Idaho Promise B recipients enrolled at the postsecondary institution during each of the corresponding academic terms. ()

02. Annual Report to Board. The officials must report annually to the Board office the number of students for each term receiving a Promise B award and the number of awards that were matched by the institution. ()

03. Annual Educational Costs. The officials must certify that the Idaho Promise B Scholarship award does not exceed the average educational costs for students who will be enrolled during the succeeding year. ()

04. Certification of Enrollment. The officials must certify that scholarship recipients have actually enrolled as full-time students. Such certification for Promise B recipients must be submitted within thirty (30) days following the end of the regular enrollment period. ()

05. Withdrawal from Institution. In the event a scholarship recipient withdraws from the educational institution, the officials at the educational institution must certify to the Board office that the recipient has withdrawn. Furthermore, in the event a recipient withdraws from all classes during a semester, quarter, term, or equivalent, the officials must remit to the Board office the amount of any tuition or fees refunded as a result of the withdrawal, after first having returned funds to federal aid programs as required by federal statute, up to the full amount of the scholarship received for the current semester, quarter, term, or equivalent. The following

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additional provisions apply if a scholarship recipient withdraws from the institution: ()

a. The refund to the Promise Scholarship Program shall be calculated as follows: refund due to the student from the educational institution minus any refund applied towards federal financial aid repayments, as calculated in accordance with the Federal Return of Title IV Funds Formula, provides the refund due the Promise Scholarship, up to the total amount the student received for the term. The educational institution must remit the balance if any as provided in Section 207 of this chapter. ()

b. In the event of extreme hardship as determined by the professional judgment of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Members of the National Guard or Reserves who have been ordered to active military duty are eligible for a waiver of remittance. Each institution shall provide to the Board office an accounting of all waivers granted. ()

c. In the event that the full amount of the student's scholarship for the semester, quarter, term, or equivalent is returned to the state, that semester, quarter, term, or equivalent shall not be considered in determining the student's eligibility for renewal. ()

208. -- 299. (RESERVED).

300. APPEAL PROCEDURE.

Any Promise B applicant or recipient adversely affected by a decision made under provisions of this chapter may appeal using the institution's financial aid appeals process. Any Promise A applicant, recipient, or eligible postsecondary educational institution, or any Promise B applicant who desires further consideration of an appeal after the institutional decision has been reached, may appeal to the Board. The applicant, recipient, or eligible postsecondary educational institution must submit the appeal in writing no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the applicant, recipient, or eligible postsecondary educational institution believes the decision should be changed. The appeal must be submitted to the president of the Board in care of the Board office, which must acknowledge receipt of the appeal within seven (7) days. The president of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. ()

01. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the president of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant, recipient, or institution initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. ()

02. Subcommittee Recommendations. Following the subcommittee's decision, the president of the Board will present the subcommittee's recommendation to the Board at the next regularly scheduled meeting of the Board. The applicant, recipient, or eligible postsecondary educational institution initiating the appeal may, at the discretion of the president of the Board, be permitted to make a presentation to the Board. ()

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03. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the applicant, recipient, or eligible postsecondary educational institution in writing of the decision of the Board. ()

301. -- 999. (RESERVED).

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IDAPA 08 - STATE BOARD OF EDUCATION

08.01.13 - RULES GOVERNING THE IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-0701 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 2, 2007. This pending rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The rules for the application process will establish the actual process and an application form, and related eligibility criteria. The rules related to selection will establish the selection process, selection criteria, and timing of the scholarship application, notification and awards. The amendment to the temporary rule clarifies how to equate the ACT scores of GED applicants who do not have high school or college GPA information.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board of Education amended the temporary rule with the same revisions which have been made to the pending rule.

The complete text of the proposed rule was published in the August 1, 2008 Idaho Administrative Bulletin, Vol. 07-8, pages 33 through 41.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

An appropriation of \$2 million dollars was approved by the Legislature in 2007. Those funds are to be used for the distribution of scholarships for school year 07-08. Also, the legislature appropriated \$5 million dollars to be set in a trust account.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions

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concerning the pending rule and the amendment to temporary rule, contact Dana Kelly at (208) 332-1574.

DATED this 2nd day of November, 2008.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 14, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 15, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

New legislation passed in the 2007 Legislative session created a new need-based scholarship program. The State Board of Education is charged with promulgation of rules to determine the academic and financial eligibility for the purpose of awarding the Idaho Opportunity Scholarship.

The rules for the application process will establish the actual process and an application form, and related eligibility criteria. The rules related to selection will establish the selection process, selection criteria, and timing of the scholarship application, notification and awards.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code,

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the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The new legislation requires the rules to be in place by August 1, 2007. Therefore, the temporary rules are necessary in order to be in compliance with amendments to governing law or federal programs.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

An appropriation of \$2 million dollars was approved by the Legislature in 2007. Those funds are to be used for the distribution of scholarships for school year 2007 - 2008. Also, the legislature appropriated \$10 million dollars to be set in a trust account.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The State Board of Education worked in conjunction with the Governor's Office and the Financial Aid Officers at the state's higher education institutions. Because of the need to have the rule in place by August 1, 2007, there was not adequate time to conduct any further negotiations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dana Kelly at (208) 332-1574.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 14th day of June, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 08 TITLE 01 CHAPTER 13

08.01.13 - RULES GOVERNING THE IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

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In accordance with Sections 33-105, 33-5605, and 33-5606(2)(c), Idaho Code the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.01.13, “Rules Governing the Opportunity Scholarship Program.” ()

02. Scope. These rules constitute the requirements for the Opportunity Scholarship Program. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the Board. ()

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the rules of the Board or in the Board Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. ()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

005. OFFICE INFORMATION.

01. Office Hours. The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. ()

02. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. ()

03. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. ()

04. Telephone Number. The telephone number of the Board is (208) 334-2270. ()

05. Facsimile. The facsimile number of the Board is (208) 334-2632. ()

06. Electronic Address. The electronic address of the Board is www.boardofed.idaho.gov. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007. -- 009. (RESERVED).

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010. DEFINITIONS.

01. Educational Costs. Is defined in Section 33-5604(1), Idaho Code and means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, room and board, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution. ()

02. Eligible Idaho Postsecondary Educational Institution. Is defined in Section 33-5604(2), Idaho Code, and means: ()

a. A public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of Chapter 21, Title 33, Idaho Code, or the state board for professional technical education; or ()

b. Any educational organization located in Idaho which is: ()

i. Operated privately; ()

ii. Classified as not-for-profit under the Idaho Code; ()

iii. Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and ()

iv. Accredited by an organization recognized by the state board, as provided in Section 33-2402, Idaho Code. ()

03. Eligible Student. Is defined in Section 33-5604(3), Idaho Code, and means a student who: ()

a. Is an Idaho resident; ()

b. Has or will graduate from an accredited high school or equivalent in Idaho as determined by the state board; ()

c. Has enrolled or applied as a full-time student to an eligible Idaho postsecondary educational institution; and ()

d. Is pursuing an undergraduate degree, certificate, or diploma. ()

04. Financial Eligibility. Is defined in Section 33-5604(4), Idaho Code, and means the extent of a person's inability to meet the educational costs associated with attending an eligible Idaho postsecondary educational institution through a model of shared responsibility, taking into account the required and expected contributions of such person's parents, family and personal resources. ()

05. Grade Point Average or GPA. Means the average grade earned by a student,

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figured by dividing the grade points earned by the number of credits attempted. ()

06. Opportunity Scholarship Program. Is defined Section 33-5604(5), Idaho Code and means the scholarship program described in Title 33, Chapter 56, Idaho Code, and these rules. ()

010. -- 099. (RESERVED).

100. OBJECTIVES OF THE OPPORTUNITY SCHOLARSHIP PROGRAM.

The legislature has recognized and declared an intent to create a scholarship fund to provide financial resources to Idaho students who are economically disadvantaged to close the gap between the estimated cost of attending an eligible Idaho institution of higher education and the expected student and family contribution toward such educational costs, and to encourage the educational development of such students in eligible Idaho postsecondary educational institutions. These rules set forth academic and financial eligibility requirements and other criteria for purposes of awarding opportunity scholarships. ()

101. ELIGIBILITY.

01. Idaho Resident. An eligible student must be an Idaho resident, as defined in Section 33-3717, Idaho Code, and IDAPA 08.01.04, "Residency Classification," Subsection 005.01. ()

02. Undergraduate Student. An eligible student must be pursuing an undergraduate degree, certificate, or diploma. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. ()

03. Academic Eligibility. ()

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of their GPA. An eligible student's GPA, ~~which will be weighted to equalize secondary and postsecondary academic performance,~~ will constitute thirty percent (30%) of the weighting for the selection of recipients of opportunity scholarships. (6-14-07)F()

b. To be eligible to apply for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: ()

i. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum grade point of average of three point zero (3.0) or better on a scale of four point zero (4.0) to be academically eligible to apply for an opportunity scholarship. ()

ii. A student who has obtained a general equivalency diploma must have taken the ACT assessment examination administered by the College Board (ACT), and received a minimum composite score of twenty (20) or better, or the equivalent SAT I assessment examination (SAT I) with an equivalent weighted score, to be academically eligible to apply for

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an opportunity scholarship. ()

iii. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum grade point average of two point zero (2.0) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. ()

c. The following additional criteria shall be used to determine an eligible student's GPA: ()

i. A student who has not yet graduated from secondary school and who has earned more than twelve (12) credits of postsecondary academic credit - for purposes of academic eligibility, the student's GPA shall be the higher of his or her secondary school GPA, or his or her postsecondary GPA, weighted to equalize secondary and postsecondary academic performance. ()

ii. A student who has obtained a general equivalency diploma - for purposes of academic eligibility, such student's GPA will be determined by the student's ACT score, equalized to reflect a secondary school GPA. ()

iii. A student currently enrolled in an eligible Idaho postsecondary educational institution, for purposes of academic eligibility, such student's GPA will be weighted to equalize secondary and post secondary academic performance. ()

04. Financial Eligibility. ()

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The primary tool that will be used by Opportunity Scholarship Program officials to determine financial need will be the federal Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education to determine eligibility for financial aid and a family's expected contribution to a student's postsecondary education. The financial need of an applicant for an opportunity scholarship will be based upon the validated expected family contribution, as identified by the FAFSA report. ()

b. The financial need factor, as determined by FAFSA, will constitute seventy percent (70%) of the weighting for the selection of recipients of opportunity scholarships. ()

05. Additional Eligibility Requirements. ()

a. A student who has not yet graduated from high school, or its equivalent, in the state of Idaho must be at least in his junior year to be eligible to apply for an opportunity scholarship. ()

b. To be eligible to receive an opportunity scholarship, an eligible student must: ()

i. Have taken the ACT assessment examination, or the equivalent SAT I assessment examination, or the Writing Skills, Reading Skills, and Algebra areas of the ACT Compass

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examination; ()

ii. Be enrolled full-time in an eligible Idaho postsecondary educational institution;
and ()

iii. Be pursuing an undergraduate degree, certificate, or diploma. ()

c. A student must accept all federal grant aid that is made available to such student to be eligible to receive an Idaho opportunity scholarship. ()

d. To be eligible to receive an opportunity scholarship, the student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the Opportunity Scholarship Program. ()

e. If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received. A student shall not be eligible for an Opportunity Scholarship if: ()

i. The student is not meeting satisfactory academic progress at the eligible Idaho postsecondary educational institution the student is attending at the time he or she applies for an Opportunity Scholarship; ()

ii. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or ()

iii. The student is not within two (2) semesters of graduation in such major, based on normal academic course load. ()

06. Student Responsibility. The Board will, by resolution each year, establish the annual amount of the expected student contribution toward his education through employment or other contributions (student responsibility). It is expected that a student will contribute an amount equal to a student working a minimum of twenty (20) hours per week during the time that a postsecondary educational institution is in session, and a minimum of forty (40) hours per week during the summer recess. This expectation will be one (1) of the factors the Board will use to set the amount of student responsibility. The Board may consider other factors as well, such as summer living expenses, and transition time between the academic year and the summer, as examples. ()

102. -- 200. (RESERVED).

201. APPLICATION PROCESS (EFFECTIVE JULY 1 THROUGH DECEMBER 31, 2007).

01. Initial Applications. ()

a. An eligible student who has enrolled in an eligible Idaho postsecondary

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educational institution for the 2007 – 2008 academic year, and who completed and submitted the FAFSA on or prior to March 1, 2007, shall be eligible for consideration for an opportunity scholarship award for the 2007 – 2008 academic year. Eligible Idaho postsecondary educational institutions shall transmit to the Board enrolled students who meet the eligibility requirements of these rules. ()

b. After this selection process is performed, eligible students will be contacted by Opportunity Scholarship Program officials and must agree to the terms of the program, including these rules, by signing and electronically submitting an application to the Board. ()

02. Announcement of Award. Announcement of the award of initial scholarships for the 2007 – 2008 academic year will be made no later than September 30, 2007, with awards to be effective at the beginning of that academic year. ()

03. Communication with State Officials. Applicants for initial scholarships must respond by the date specified to any communication from officials of the Opportunity Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. ()

202. APPLICATION PROCESS (EFFECTIVE JANUARY 1, 2008).

01. Initial Applications. ()

a. An eligible student who has not yet graduated from an accredited high school or its equivalent in the state of Idaho must complete and submit the Opportunity Scholarship Program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than March 1. An applicant who is in his junior year must complete and submit the FAFSA 4caster on or prior to March 1 of their junior year. All applicants must complete and submit the FAFSA on or prior to March 1 of his last year of secondary school (including applicants who were secondary school juniors that previously submitted the FAFSA 4caster). ()

b. An eligible student currently enrolled in an eligible Idaho postsecondary educational institution must complete and submit the Opportunity Scholarship Program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked by March 1. A current postsecondary educational institution student must complete and submit the FAFSA on or prior to March 1. ()

02. Announcement of Award. Announcement of the award of initial scholarships will be made no later than the first business day after June 15 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. ()

03. Communication with State Officials. Applicants for either initial or continuing scholarships must respond by the date specified to any communication from officials of the

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Opportunity Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. ()

203. -- 299. (RESERVED).

300. SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Selection Process. The selection of applicants for the receipt of an opportunity scholarship will be based on the availability of funding for the Opportunity Scholarship Program. In addition, opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: ()

a. Applicants will be ranked to determine the eligible students with the greatest demonstrated financial need, based on the financial eligibility requirements of these rules, ~~and the eligible students with the highest quantified academic ranking, based on the academic eligibility requirements of these rules. The ranking of applicants will be~~ Then, eligible students shall be selected based on rating criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. (6-14-07)F()

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received a previous opportunity scholarship award, and have continuing eligibility based upon financial need and other criteria provided in these rules. ()

02. Monetary Value of the Opportunity Scholarship. ()

a. The Board will, by resolution each year, establish the maximum annual amount that a student may receive under the Opportunity Scholarship Program. In addition, the Board will, by resolution each year, establish the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the Opportunity Scholarship Program. The educational costs will be established as a not to exceed amount for each eligible Idaho postsecondary educational institution. ()

b. The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: ()

i. The amount of the assigned student responsibility, established by the Board annually; ()

ii. The amount of federal grant aid, as identified by the federal Student Aid Report (SAR); ()

iii. The amount of other financial aid awarded the student, from private or other sources. ()

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STATE BOARD OF EDUCATION
The Idaho Opportunity Scholarship Program

Docket No. 08-0113-0701
PENDING RULE (New Chapter)

c. The amount of an opportunity scholarship award to an individual student shall not exceed the maximum amount established by the Board annually, and shall not exceed the cost of tuition at an Idaho public postsecondary educational institution, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition or matriculation fees at Idaho's public four (4) year postsecondary educational institutions. ()

301. OPPORTUNITY SCHOLARSHIP AWARD.

01. Payment. Payment of opportunity scholarship awards will be made in the name of the recipient and will be sent to a designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient within a reasonable time following receipt of the payment. ()

02. Duration. Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to, or on behalf of, a scholarship recipient. The scholarship covers up to one (1) educational year or equivalent for attendance at an eligible Idaho postsecondary educational institution. ()

03. Eligibility. If a student receives an opportunity scholarship payment and it is later determined that the student did not meet all of the Opportunity Scholarship Program eligibility requirements, then the student is considered in overpayment status, and must return program funds in accordance with the eligible Idaho postsecondary educational institution's refund policy. ()

302. CONTINUING ELIGIBILITY.

To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program and these rules, in addition to the following requirements: ()

01. Renewal Application. A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. A completed application for the renewal of an opportunity scholarship must be submitted to the Board electronically by the date established on the application, but not later than January 31. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than January 31. In addition, a scholarship recipient must update and submit the FAFSA on or prior to March 1. ()

02. Credit Hours. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have completed a minimum of twelve (12) credit hours or its equivalent each semester that the student received an opportunity scholarship award. ()

03. Satisfactory Academic Progress. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum grade point average of two point zero (2.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic

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progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. ()

04. Maximum Scholarship Award. The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. ()

05. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to interrupt continuous enrollment no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Failure to do so may result in forfeiture of the scholarship. The Board will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or professional-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll. ()

303. -- 399. (RESERVED).

400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Statements of Continuing Eligibility. An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day of each academic term. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. ()

02. Other Requirements. An eligible Idaho postsecondary educational institution must: ()

a. Be eligible to participate in Federal Title IV financial aid programs, and must supply documentation to the Board verifying this eligibility, and prompt notification regarding any changes in this status; ()

b. Have the necessary administrative computing capability to administer the Opportunity Scholarship Program on its campus, and electronically report student data records to the Board; ()

c. Provide data on student enrollment and federal, state, and private financial aid for students to the Board, and ()

d. Agree to permit periodic Opportunity Scholarship Program audits to verify compliance with Idaho law and these rules related to the program. ()

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401. ADMINISTRATION.

The Board is responsible for: ()

- a. Releasing any public information regarding the Opportunity Scholarship Program; ()
- b. Determination of scholarship recipients; ()
- c. Determination of procedures for payment of scholarships to recipients; ()
- d. Maintaining fiscal controls and accounting procedures; ()
- e. Preparing annual reports as required, and ()
- f. Authorizing release of all forms, affidavits, and certification necessary for the operation of the program. ()

402. -- 500. (RESERVED).

501. APPEALS.

Any opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The opportunity scholarship applicant or recipient must appeal no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the opportunity scholarship applicant or recipient believes the decision should be changed. The appeal must be submitted to the President of the Board. The Board must acknowledge receipt of the appeal within seven (7) days. The President of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. ()

01. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the President of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The opportunity scholarship applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. ()

02. Subcommittee Recommendations. Following the subcommittee's decision, the President of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The opportunity scholarship applicant or recipient initiating the appeal may, at the discretion of the President of the Board, be permitted to make a presentation to the Board. ()

03. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the opportunity scholarship applicant or recipient in writing of the decision of the Board. ()

502. -- 999. (RESERVED).

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This change adds further definition to the Requirements for Professional Growth. Though it has always been the intention, these changes specifically define “educationally related” credits as being tied to content area, pedagogical best practices, school leadership and/or district need as designated by an administrator. Public hearing testimony was received and considered. It was determined that the rule, as currently written, addresses the comments received. Christina Linder, Director of Certification, responded to the testifier.

There are no changes in the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 42 and 43.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Christina Linder, 208.332.6886.

DATED this 13th day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

EDUCATION COMMITTEE

IDAHO STATE BOARD OF EDUCATION
Rules Governing Uniformity

Docket No. 08-0202-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **June 14, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-105 and Section 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

August 17, 2007 -- 1:00 p.m.
Joe R. Williams Building
West Conference Room
700 West State Street, Boise, ID 83720

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This change adds further definition to the Requirements for Professional Growth. Though it has always been the intention, these changes specifically define “educationally related” credits as being tied to content area, pedagogical best practices, school leadership and/or district need as designated by an administrator.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule will confer a Benefit on Pre K – 12 Educators. This rule change responds to a statewide challenge in meeting federal guidelines for Highly Qualified status and teacher shortages. Additionally it promotes professionalism and increased content competency among teachers.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. This proposed rule change was brought before the Standards Committee of the

EDUCATION COMMITTEE

IDAHO STATE BOARD OF EDUCATION Rules Governing Uniformity

**Docket No. 08-0202-0701
PENDING RULE**

Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote. This proposed rule change was approved by the Commission at the meeting held on June 1st, 2007.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Christina Linder, (208) 332-6886.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 14th day of June, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.

01. Application for Idaho Certificate. To obtain, renew, or reinstate an Idaho certificate, the applicant will submit an application on a form supplied by the State Department of Education or the State Division of Professional-Technical Education. (3-16-04)

02. State Board of Education Requirements for Professional Growth. (4-1-97)

a. Credits taken for recertification must be educationally related to the professional development of the applicant. (4-1-97)

i. Credits must be specifically tied to content areas and/or an area of other endorsement; or ()

ii. Credits must be specific to pedagogical best practices or for administrative/teacher leadership; or ()

iii. Credits must be tied to a specific area of need designated by district administration. ()

b. Graduate or undergraduate credit will be accepted for recertification. Credit must be college transferable and completed through an accredited college or university. (4-1-97)

c. All requests for equivalent inservice training to apply toward recertification must be made through the State Department of Education upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Professional-Technical Specialist Certificates must receive State Division of Professional-Technical Education approval of inservice training and course work prior to applying for renewal. (3-16-04)

EDUCATION COMMITTEE

d. At least fifteen (15) hours of formal instruction must be given for each hour of inservice credit granted. (4-1-97)

e. Recertification credits may not be carried over from one (1) recertification period to the next. (4-1-97)

f. Certificated personnel teaching in subjects outside their major area of preparation will be encouraged to complete the courses required for major certification endorsement. (4-1-97)

03. State Board of Education Professional Development Requirements. (4-1-97)

a. Districts will have professional development plans. (4-1-97)

b. All certificated personnel will be required to complete at least six (6) semester hours or the equivalent within the five (5) year period of validity of the certificate being renewed. (4-1-97)

c. At least three (3) semester credits will be taken for university or college credit. Verification will be by official transcript. (4-1-97)

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This change allows out-of-state certificate holders to waive Idaho Praxis II requirements provided they hold a current National Board for Professional Standards Teaching certificate or can supply evidence of passing another state's approved content, pedagogy and/or performance area assessment(s). This rule confers a benefit on K-12 teachers and administrators. This rule change responds to a statewide challenge in meeting federal guidelines for Highly Qualified status and teacher shortages. This allows for greater flexibility and a shorter timeline for bringing highly qualified, out-of-state teachers into Idaho classrooms. No public hearing testimony was received on this rule.

There are no changes in the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 44 and 45.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Christina Linder, 208.332.6886.

DATED this 13th day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street

PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

EDUCATION COMMITTEE

IDAHO STATE BOARD OF EDUCATION
Rules Governing Uniformity

Docket No. 08-0202-0702
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 14, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-105 and Section 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

August 17, 2007 -- 1:00 p.m.
Joe R. Williams Building
West Conference Room
700 West State Street, Boise, ID 83720

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This change allows out-of-state certificate holders to waive Idaho Praxis II requirements provided they can supply evidence of passing another state's approved content, pedagogy and/or performance area assessment(s).

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule will confer a Benefit on K-12 Teachers and Administrators. This rule change responds to a statewide challenge in meeting federal guidelines for Highly Qualified status and teacher shortages. This allows for greater flexibility and a shorter timeline for bringing highly qualified, out-of-state teachers into Idaho classrooms.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. This proposed rule change was brought before the Standards Committee of the

EDUCATION COMMITTEE

IDAHO STATE BOARD OF EDUCATION
Rules Governing Uniformity**Docket No. 08-0202-0702**
PENDING RULE

Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote. This proposed rule change was approved by the Commission at the meeting held on June 1st, 2007.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Christina Linder, (208) 332-6886.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 14th day of June, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

017. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.

01. Assessments. State Board of Education approved content, pedagogy and performance area assessments shall be used in the state of Idaho to ensure qualified teachers are employed in Idaho's classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval.

~~(3-16-04)~~()

02. Out-of-State Waivers. An out-of-state applicant for Idaho certification holding a current certificate may request a waiver from the above requirement. The applicant shall provide evidence of passing a state approved content, pedagogy and performance area assessment(s) or hold current National Board for Professional Standards Teaching Certificate. ()

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0703

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 12, 2007. This pending rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule change responds to a statewide challenge in meeting federal guidelines for Highly Qualified status and teacher shortages. It also allows for more local control and flexibility in meeting certification requirements, especially in consideration of rural districts. This rule was amended after comment was received from the Deans of Education to answer their concerns that applicants with a bachelor's may not be prepared enough or qualified enough for the pupil personnel services areas.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department has amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 46 and 47.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Christina Linder, 208.332.6886.

EDUCATION COMMITTEE

**IDAHO STATE BOARD OF EDUCATION
Rules Governing Uniformity**

**Docket No. 08-0202-0703
PENDING RULE**

DATED this 13th day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **June 14, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-105 and Section 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

**August 17, 2007 -- 1:00 p.m.
Joe R. Williams Building
West Conference Room
700 West State Street, Boise, ID 83720**

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Department of Education/Certification Department will evaluate transcripts and experience to determine allowable credits toward certification requirements. Professional Standards Commission may grant an extension to the current three (year) period designated to attain a certificate through the state-approved alternate route. The extension will be granted only under extenuating circumstances in order to protect Highly Qualified status.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule will confer a Benefit on K-12 Pupil Personnel, Administrators, Higher Education Pupil Personnel and Administrator Preparation Programs. This rule change responds to a statewide challenge in meeting federal guidelines for Highly Qualified status

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PENDING RULE

and teacher shortages. It also allows for more local control and flexibility in meeting certification requirements, especially in consideration of rural districts. This rule also provides an opportunity to extend Alternative Authorization status on an emergency basis to maintain Highly Qualified status while finishing Pupil Personnel Services alternative certification.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. This proposed rule change was brought before the Standards Committee of the Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote. This proposed rule change was approved by the Commission at the meeting held on June 1st, 2007.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Christina Linder, (208) 332-6886.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

047. ALTERNATIVE AUTHORIZATION - PUPIL PERSONNEL SERVICES.

The purpose of this alternative authorization is to allow Idaho school districts to request emergency endorsement/certification when a position requiring the Pupil Personnel Services certificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the School Nurse endorsement. The requirements for this endorsement are already defined in Subsection 027.03, of these rules. ()

01. Term of Validity. Alternative authorization in this area is valid for three (3) years and will be reviewed annually and is nonrenewable. ()

02. Initial Qualifications. The applicant must complete ~~one of options~~ the following:
(6-14-07)F()

~~a.~~ *Option I – The applicant must complete the following:* (6-14-07)F

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IDAHO STATE BOARD OF EDUCATION Rules Governing Uniformity

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PENDING RULE

~~i. Prior to application, a candidate must hold a Bachelor's and/or a Master's degree in an area closely related to the certificate/endorsement area being pursued; and (6-14-07)F~~

~~ii. Before granting the alternative authorization, the candidate must have been accepted into an approved program and have an approved university plan of graduate study that meets the requirements for the appropriate Pupil Personnel Services certificate/endorsement; and (6-14-07)F~~

~~iii. The employing school district must provide supportive information attesting to the ability of the candidate to fill the position. (6-14-07)F~~

~~b. Option II—The applicant must complete the following: (6-14-07)F~~

~~ia. Prior to application, a candidate must hold a Masters degree and hold a current Idaho license from the Bureau of Occupational Licenses in the area of desired certification; and ()~~

~~ib. The employing school district must provide supportive information attesting to the ability of the candidate to fill the position. ()~~

03. Alternative Route Preparation Program. ()

~~a. The candidate must work toward completion of the alternative route preparation program through a participating college/university and the employing school district. ()~~

~~b. The candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. ()~~

~~c. The participating college/university or the State Department of Education will provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. ()~~

~~d. The candidate must meet all requirements for the endorsement/certificate as provided herein. ()~~

0478. -- 059. (RESERVED).

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0705

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 12, 2007. This pending rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. Public hearing testimony was received on this rule and an amendment to the rule was made based on that feedback:

The Idaho Technology Competency Assessment (ITCA) is no longer a relevant measurement of necessary technology requirements in Idaho classrooms. The original intention of the ITCA was to ensure that Idaho educators were proficient with basic technology. All teachers who were certificated prior to 2006 have passed this exam. Idaho teacher preparation program evaluations include an assessment of the integration of relevant technology that covers the intention of the original ITCA. New teachers entering the classroom are far more proficient in technology than is minimally required by the ITCA. Technology competency will be assessed on a case by case basis and mandated only according to individual district requirements. It is the state's intent that certificated personnel are technologically competent and integrate technology into the classroom. Based on public hearing testimony, this rule has been amended. Specifically, "demonstrate proficiency" has been more clearly defined.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department has amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 50 through 52.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

EDUCATION COMMITTEE

IDAHO STATE BOARD OF EDUCATION
Rules Governing Uniformity

Docket No. 08-0202-0705
PENDING RULE

N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Christina Linder, 208.332.6886.

DATED this 13th day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **June 14, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) Idaho Code Section 33-105 and Section 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

August 17, 2007 -- 1:00 p.m.
Joe R. Williams Building
West Conference Room
700 West State Street, Boise, ID 83720

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Technology Competency Assessment (ITCA) is no longer a relevant measurement of necessary technology requirements in Idaho classrooms. Idaho teacher preparation program evaluations include an assessment of the integration of relevant technology that covers the intention of the original ITCA. The ITCA should be removed as a requirement for teacher certification, however, out-of-state applicants and other applicants for interim certification may be reviewed by the hiring district for deficiencies in technology skills, on a case by case basis.

EDUCATION COMMITTEE

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PENDING RULE**

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule will confer a Benefit on K-12 Teachers, Administrators and Post Secondary Faculty. The original intention of the Idaho Technology Competency Assessment when it was written ten years ago was to ensure that Idaho educators were proficient with basic technology. All teachers who were certificated prior to 2006 have passed this exam. In almost every case, new teachers entering the classroom are far more proficient in technology than as minimally required by the ITCA. Therefore, it is no longer necessary to require technology testing on a statewide basis. Technology competency will be assessed on a case by case basis and mandated only according to individual district requirements.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. This proposed rule change was brought before the Standards Committee of the Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote. This proposed rule change was approved by the Commission at the meeting held on June 1st, 2007.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Christina Linder, (208) 332-6886.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 14th day of June, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. TECHNOLOGY STANDARDS.

The proliferation of technology in our daily lives makes it essential that certificated educators are technologically literate. The State Board of Education has established a statewide goal that teachers and administrators be trained in the use of technology for education. (5-3-03)

01. Preservice Competency. All applicants for initial Idaho certification

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(Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate ~~beginning technology skills by passing a basic educational technology competency assessment~~ proficiency in relevant technology skills and practices to enhance classroom management and instruction ~~as measured evidenced by completion of the credit hour technology requirements by of the approved teacher education preparation program.~~ (5-3-03)()

02. ~~Renewal.~~ Out-of-State Applicants. Out-of-state applicants will be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve his technology skills. (5-3-03)()

~~a. For certificate renewal purposes, all individuals holding a valid Idaho certificate (pre-kindergarten through grade 12) shall demonstrate technology competency by passing a basic educational technology assessment as approved by the State Board of Education.~~ (5-3-03)

~~b. As part of the certificate renewal process, the applicant shall submit an original certificate of completion, a notarized copy of the certificate, or an official letter of completion from a State Board of Education approved provider of the technology competency assessment.~~ (5-3-03)

~~c. Evidence of meeting the competency requirement shall be accepted from January 1, 1997, the implementation date as approved by the State Board of Education. For renewal purposes, passing the technology competency assessment is required only once.~~ (5-3-03)

03. ~~Waiver of Technology Competency.~~ (5-3-03)

~~a. When applying for certificate renewal, an automatic waiver of the technology requirement shall be granted for any certificated individual who lives outside of the state of Idaho or who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho.~~ (5-3-03)

~~b. The State Superintendent of Public Instruction will develop and oversee a process for requests for waivers from certificated educators who would otherwise be covered by this rule.~~ (5-3-03)

04. ~~Out-of-State Applicants.~~ (5-3-03)

~~a. An out-of-state applicant for an Idaho certificate shall be granted a three-year, non-renewable interim certificate to allow time to meet the Idaho technology competency requirement.~~ (5-3-03)

~~b. Those individuals who qualify for an Idaho certificate through the NASDTEC (National Association of State Directors of Teacher Education and Certification) Interstate Contract reciprocity agreement shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho technology competency requirement.~~ (5-3-03)

05. ~~Assessment Methods.~~ Preservice educators, holders of a valid Idaho certificate, and out-of-state applicants may elect to use any State Board of Education approved technology

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- ~~assessment, including:~~ (5-3-03)
- ~~a. The Idaho Technology Competency Exam;~~ (5-3-03)
 - ~~b. The Idaho Technology Portfolio Assessment;~~ (5-3-03)
 - ~~c. The Idaho Technology Performance Assessment; or~~ (5-3-03)
 - ~~d. Another process which meets the express approval of the State Board of Education to demonstrate the required basic technology competency.~~ (5-3-03)

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0706

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The new version changes the incorrectly cited AAS degree to an AS degree as originally intended. It also allows for para-educators with a minimum of 32 credits of formal education to be considered for the program instead of being limited to an Associated Degree. No public hearing testimony was received for this rule.

There are no changes in the pending rule, therefore, the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 53 and 54.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Christina Linder, 208.332.6886.

DATED this 13th day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

EDUCATION COMMITTEE

**STATE BOARD OF EDUCATION
Rules Governing Uniformity**

**Docket No. 08-0202-0706
PENDING RULE**

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **June 14, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) Idaho Code Section 33-105 and Section 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

**August 17, 2007 -- 1:00 p.m.
Joe R. Williams Building
West Conference Room
700 West State Street, Boise, ID 83720**

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The new version changes the incorrectly cited AAS degree to an AS degree as originally intended. It also allows for para-educators with a minimum of 32 credits of formal education to be considered for the program instead of being limited to an Associates Degree.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule will confer a Benefit on Paraprofessionals and Administrators. This rule corrects inaccurate information contained in the rule and also clarifies the minimum education requirements for initial qualification for Alternative Authorization qualified paraprofessionals.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. This proposed rule change was brought before the Standards Committee of the Professional Standards Commission. It was presented and discussed, amended, and revisited. The

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final version was then proposed to the entire Professional Standards Commission for a vote. This proposed rule change was approved by the Commission at the meeting held on June 1st, 2007.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Christina Linder, (208) 332-6886.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 14th day of June, 2007

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

046. PARA-EDUCATOR TO TEACHER (EFFECTIVE JULY 1, 2006).

The purpose of this alternative route to certification is to encourage qualified para-educators employed in Idaho classrooms to become certificated teachers. The alternative route preparation program must be completed within five (5) calendar years from the date of admission to the program. (3-20-04)

01. Initial Qualifications. Prior to application: the candidate must hold an AA/~~AAS~~ or AS degree or equivalent, meet state para-educator standards, and be employed as a para-educator. Districts shall identify potential candidate with appropriate dispositions for teaching, and continue to employ candidate as para-educators. District/school provides orientation for candidate as deemed appropriate. (~~3-20-04~~)()

02. Alternative Route Preparation Program-College University Preparation. (3-20-04)

a. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A candidate must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. (3-20-04)

b. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-20-04)

c. Candidate shall complete all requirements for certification as provided herein. (3-20-04)

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0707

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule will confer a Benefit on school administrators, school board members, parents and students. This rule focuses on the priority need of Idaho's secondary schools to be regionally accredited; minimizes duplication of accrediting efforts between the State of Idaho and the NAAS; reduces state costs by making full use of the services of the NAAS; dispenses with the redundancy of district accreditation for Idaho's many small, rural districts; reduces the burden of state-required paperwork at the district and school levels' and provides local districts with increased opportunities for local autonomy and flexibility in meeting the needs of their student populations by allowing accreditation to be optional at the elementary levels. No public comment was received regarding this rule.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 192 and 193.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Shannon Page, 208.332.6947.

DATED this 13th day of November, 2007.

EDUCATION COMMITTEE

**STATE BOARD OF EDUCATION
Rules Governing Uniformity**

**Docket No. 08-0202-0707
PENDING RULE**

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **August 9, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

**October 12, 2007 - 1:00 p.m.
Len B. Jordan Building
Conference Room 201
650 West State Street, Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking would rescind the requirement for district accreditation. Accreditation would no longer be mandatory for elementary schools, K-8. Required state accreditation for secondary schools would be managed thorough the Northwest Association of Accredited Schools.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule will confer a Benefit on school administrators, school board members, parents and students. This rule focuses on the priority need of Idaho's secondary schools to be regionally accredited; minimizes duplication of accrediting efforts between the State of Idaho and the NAAS; reduces state costs by making full use of the services of the NAAS;

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PENDING RULE

dispenses with the redundancy of district accreditation for Idaho's many small, rural districts; reduces the burden of state-required paperwork at the district and school levels' and provides local districts with increased opportunities for local autonomy and flexibility in meeting the needs of their student populations by allowing accreditation to be optional at the elementary levels.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this will provide a benefit to the state in cost savings and staff time, and school districts will have an opportunity to comment at scheduled public hearing and during the comment period.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Shannon Page, (208) 332-6947.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 17th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

140. ACCREDITATION.

All public secondary schools, serving any grade(s) 9-12, ~~and districts in Idaho~~ will be state accredited. ~~State~~ Accreditation is voluntary for elementary schools, grades K-8, and private and parochial schools. (Section 33- 119, Idaho Code) (4-6-05)(____)

~~01. District Strategic Plan. School districts will develop and implement a minimum three to five year strategic plan focused on the improvement of student performance. The district strategic plan (DSP) will be monitored by a representative review team established by each district's administration and board of trustees, which will recommend revision of goals as necessary and provide regular reports on implementation of the plan to the district's trustees.~~ (4-6-05)

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STATE BOARD OF EDUCATION Rules Governing Uniformity

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PENDING RULE

021. Continuous School Improvement Plan. Schools will develop continuous school improvement plans (~~CSIP~~) focused on the improvement of student performance. (~~4-6-05~~)()

~~**03. Plan Alignment and Focus.** District strategic plans (DSP) and continuous school improvement plans (CSIP) will align and focus on improving school and staff capacity (structure/resource allocation/teacher skill sets) to increase student achievement.~~ (~~4-6-05~~)

042. Standards. ~~Districts and s~~Schools will meet ~~state-approved~~ the accreditation standards ~~as adopted by the State Board of Education~~ of the Northwest Association of Accredited Schools. (~~4-6-05~~)()

~~**053. Reporting.** Accreditation reports on DSP/CSIP and the attainment of standards will be submitted, as requested, to the State Accreditation Committees, whose members are approved by the State Board of Education and representative of each region of the state. The Committees will review the reports and make recommendations to the State Board of Education for accreditation status. Accreditation status may be appealed~~ An annual accreditation report will be submitted to the State Board of Education. (~~4-6-05~~)()

~~**06. Elements of Thoroughness.** The requirements for thoroughness referenced in Section 33-1612, Idaho Code will be met.~~ (~~4-6-05~~)

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0708

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Educators holding current certificates from recognized, accredited foreign institutions of education may be issued a three (3) year interim certificate. Professional Standards Commission may grant an extension onto the current three (year) period designated to attain a certificate through the state-approved alternate route. This shall be granted only under extenuating circumstances in order to protect Highly Qualified status.

There are no changes in the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 194 and 195.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Christina Linder, 208.332.6886.

DATED this 13th day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

EDUCATION COMMITTEE

**STATE BOARD OF EDUCATION
Rules Governing Uniformity**

**Docket No. 08-0202-0708
PENDING RULE**

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **August 10, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) Idaho Code §33-105 and §33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

**October 12, 2007 -- 1:00 p.m.
Len B. Jordan Building,
Conference Room 201
650 West State Street, Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Allows a three (3) year interim certificate to be issued to any Idaho-trained educator whose certificate has expired. Also allows educators holding current certificates from recognized, accredited foreign institutions of education to be issued a three (3) year interim certificate.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule will confer a Benefit on K-12 Teachers and Administrators. This rule responds to statewide challenges in meeting federal guidelines for Highly Qualified status and teacher shortages. It creates greater flexibility for Idaho-trained educators to return to the teaching field and for those trained in accredited, foreign institutions.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

EDUCATION COMMITTEE

STATE BOARD OF EDUCATION
Rules Governing Uniformity

Docket No. 08-0202-0708
PENDING RULE

N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted.

This proposed rule change was brought before the Standards Committee of the Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote. This proposed rule change was approved by the Commission at the meeting held on June 1st, 2007.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Christina Linder, (208) 332-6886.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 17th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

015. IDAHO INTERIM CERTIFICATE.

01. Issuance of Interim Certificate. The State Department of Education is authorized to issue a ~~non-renewable~~, three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement. An interim certificate is nonrenewable except under extenuating circumstances. ~~(3-16-04)~~()

02. Foreign Institutions. An educator having graduated from a foreign institution that is listed in the Accredited Degree-Granting Institutions section of the “Accredited Institutions of Postsecondary Education” and having a valid/current teaching certificate/license from the country or province in which the foreign institution is located, may be issued a non-renewable, three (3) year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. ()

EDUCATION COMMITTEE

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0607

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-116, 33-118, and 33-1612, Idaho Code and ESEA No Child left Behind Act.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule. Over the past few years more emphasis has been placed on standards and the alignment of standards to the state assessment in order to meet the intent of the Individuals with Disabilities Act (IDEA) and No Child Left Behind Act (NCLB). One of the requirements of NCLB is to ensure students with significant cognitive disabilities meet proficiency on rigorous state content standards. This was accomplished through aligning the Alternative Assessment Extended Content Standards with the Idaho Content Standards, setting of appropriate cut scores, and implementing the alternative Assessment Extended Achievement Standards. The alignment process was coordinated by the State Department of Education Bureau of Special Populations and included input from teachers, administrators, and higher education representatives.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 3, 2007 Idaho Administrative Bulletin, Vol. 07-1, pages 49 and 50.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sandra DeKlotz at (208) 332-1580.

DATED this 11th day of October, 2007.

EDUCATION COMMITTEE

**STATE BOARD OF EDUCATION
Rules Governing Thoroughness**

**Docket No. 08-0203-0607
PENDING RULE**

Mike Rush, Interim Executive Director
State Board of Education
650 West State Street

PO Box 83720-0037
Boise, ID 83720-0037
(208) 332-1567 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 1, 2006.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-116, 33-118, and 33-1612, Idaho Code and ESEA No Child Left Behind.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Over the past few years more emphasis has been placed on standards and the alignment of standards to the state assessment in order to meet the intent of the Individuals with Disabilities Act (IDEA) and No Child Left Behind Act (NCLB). One of the requirements of NCLB is to ensure students with significant cognitive disabilities meet proficiency on rigorous state content standards. This was accomplished through aligning the Alternative Assessment Extended Content Standards with the Idaho Content Standards, setting of appropriate cut scores, and implementing the Alternative Assessment Extended Achievement Standards. The alignment process was coordinated by the State Department of Education Bureau of Special Populations and included input from teachers, administrators, and higher education representatives.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with federal law, specifically NCLB and IDEA 2004.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is

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Docket No. 08-0203-0607
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described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rulemaking is non-controversial in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Mary Bostick (332-6917).

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 24, 2007.

DATED this November 15, 2006.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule:

(2-23-06)T

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education on November 1, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (11-1-06)T

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (8-10-06)T

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (8-10-06)T

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (11-1-06)T

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Docket No. 08-0203-0607
PENDING RULE

05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards. Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (11-1-06)T

06. The Idaho Alternative Assessment Extended Content Standards. The Idaho Alternative Assessment Extended Content Standards as adopted by the State Board of Education on April 20, 2006. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ()

07. The Idaho Alternative Assessment Extended Achievement Standards. Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on April 20, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ()

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 2, 2007. This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code, and Public Law 107-110, Section 111.b.3.C.ix.III.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Pursuant to Section 67-5228, Idaho Code, clerical corrections have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule. The changes specifically are the correction of the earlier published website where the documents incorporated by reference may be found.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board of Education amended the temporary rule with the same revisions which have been made to the pending rule. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, pages 40 and 41.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sandra DeKlotz at (208) 332-1580.

DATED this 2nd day of November, 2007.

EDUCATION COMMITTEE

**STATE BOARD OF EDUCATION
Rules Governing Thoroughness**

**Docket No. 08-0203-0701
PENDING RULE**

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **May 30, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-105, Idaho Code, and Public Law 107-110, Section 111.b.3.C.ix.III.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to meet the requirements of the federal peer review recommendations related to the ISAT as developed and delivered by new contractor, the State Board of Education (SBOE) is required to develop achievement standards, including cut scores and performance level descriptors. Subsection 004.05 is being amended to incorporate a new set of achievement standards in mathematics, reading, language usage, and science in grades 3-8 and 10.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Because the federal peer review required the SBOE to develop new achievement standards, the Board was required to be in compliance with deadlines in amendments to governing law or federal programs.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is

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PENDING RULE

described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this was a requirement of a federal peer review.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Sandra DeKlotz at (208) 332-1580 or Margo Healy at (208) 332-1577.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 30th day of May, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule:

(3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education on November 1, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (3-30-07)()

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (3-30-07)()

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (3-30-07)()

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (3-30-07)()

05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards.

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STATE BOARD OF EDUCATION Rules Governing Thoroughness

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Achievement Standards as adopted by the State Board of Education on May 30, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ~~(6-14-07)T(____)~~

06. The Idaho Alternative Assessment Extended Content Standards. The Idaho Alternative Assessment Extended Content Standards as adopted by the State Board of Education on April 20, 2006. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ~~(11-1-06)T(____)~~

07. The Idaho Alternative Assessment Extended Achievement Standards. Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on April 20, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ~~(11-1-06)T(____)~~

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code and Public Law 107-110 ("No Child Left Behind") Section 1111.b.3.C.ix.III.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes in the pending rule. The State Board of Education, in conjunction with the Superintendent of Public Instruction will be consolidating all statewide assessments into the office of the State Board. Subsection 113.03 is being amended to reflect the Board's role in identifying and recognizing schools for rewards.

The State Board of Education will determine adequate yearly progress in compliance with No Child Left Behind. Subsection 112.03 is being amended to reflect the Board's role in determining adequate yearly progress (AYP) for schools and districts in the state. Language is being clarified that AYP must be determined early enough to assure at least thirty days for appeal and final determinations available to schools and districts in time to notify parents before school starts in the fall.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 55 through 58.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sandra DeKlotz at (208) 332-1580.

DATED this 11th day of October, 2007.

EDUCATION COMMITTEE

**STATE BOARD OF EDUCATION
Rules Governing Thoroughness****Docket No. 08-0203-0702
PENDING RULE**

Mike Rush, Interim Executive Director
State Board of Education
650 West State Street

PO Box 83720-0037
Boise, ID 83720-0037
(208) 332-1567 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code and Public Law 107-110 ("No Child Left Behind") Section 1111.b.3.C.ix.III.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 15, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Board of Education, in conjunction with the Superintendent of Public Instruction will be consolidating all statewide assessments into the office of the State Board. Subsection 113.03 is being amended to reflect the Board's role in identifying and recognizing schools for rewards.

The State Board of Education will determine adequate yearly progress in compliance with No Child Left Behind. Subsection 112.03 is being amended to reflect the Board's role in determining adequate yearly progress (AYP) for schools and districts in the state. Language is being clarified that AYP must be determined early enough to assure at least thirty days for appeal and final determinations available to schools and districts in time to notify parents before school starts in the fall.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rulemaking is non-controversial in nature and will not have any impact on the school districts.

EDUCATION COMMITTEE

STATE BOARD OF EDUCATION Rules Governing Thoroughness

**Docket No. 08-0203-0702
PENDING RULE**

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Sandra DeKlotz at (208) 332-1580.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 14th day of June, 2007.

THE FOLLOWING IS THE TEXT OF PENDING RULE

112. ACCOUNTABILITY.

The provisions in this section apply for the purposes of meeting the “No Child Left Behind” Act and the state of Idaho accountability requirements. (3-20-04)

01. Student Achievement Levels. There are four (4) levels of student achievement for the ISAT. (3-20-04)

a. Advanced: Exceeds Standards. The student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently above his current educational level. (3-20-04)

i. The student demonstrates a comprehensive understanding of all relevant information. (3-20-04)

ii. The student demonstrates comprehension and understanding of knowledge and skills at or above his/her grade level. ~~(3-20-04)~~()

iii. The student can perform skills or processes independently without significant errors. (3-20-04)

b. Proficient: Meets Standards. The student demonstrates mastery of knowledge and skills that allow him/her to function independently on all major concepts and skills at his/her educational level. (3-20-04)

i. The student demonstrates a comprehensive understanding of all information relevant to the topic, at level. (3-20-04)

ii. The student can perform skills or processes independently without significant errors. (3-20-04)

c. Basic: Below Standards. The student demonstrates basic knowledge and skills usage but cannot operate independently on concepts and skills at his/her educational level. Requires remediation and assistance to complete tasks without significant errors. (3-20-04)

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i. The student has an incomplete knowledge of the topic or misconceptions about some information. (3-20-04)

ii. The student requires assistance and coaching to complete tasks without errors. (3-20-04)

d. Below Basic: Critically Below Standards. The student demonstrates significant lack of skills and knowledge and is unable to complete basic skills or knowledge sets without significant remediation. (3-20-04)

i. The student has critical deficiencies of relevant knowledge of topic or misconceptions about some information. (3-20-04)

ii. The student cannot complete any skill set without significant assistance and coaching. (3-20-04)

02. Adequate Yearly Progress (AYP). (3-20-04)

a. Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. (3-20-04)

b. The State ~~Department~~ Board of Education will make AYP determinations for schools and districts each year. Results will be given to the districts ~~no later than~~ at least one (1) month prior to the first day of school. ~~(3-20-04)~~(____)

c. The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-20-04)

03. Adequate Yearly Progress (AYP) Definitions. For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. (3-20-04)

a. Full Academic Year (continuous enrollment). (3-20-04)

i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the ~~end of the~~ state approved spring testing administration period, not including the make-up portion of the test window, will be included in the calculation to determine if the school achieved AYP. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. Students who are expelled but return to another school in the same district are considered continuously enrolled to determine the district AYP. ~~(4-6-05)~~(____)

ii. A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the ~~end of the~~ state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the school district has achieved AYP. ~~(4-6-05)~~(____)

EDUCATION COMMITTEE

STATE BOARD OF EDUCATION Rules Governing Thoroughness

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PENDING RULE

iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the ~~end of the~~ state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the state has achieved AYP. (4-6-05)()

b. Participation Rate. (3-20-04)

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-20-04)

(1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation. (4-6-05)

(2) Students who are absent for the entire state-approved testing window because of a significant medical emergency are exempt from taking the ISAT if such circumstances prohibit them from participating. (4-6-05)

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination. (3-20-04)

c. Schools. (3-20-04)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-20-04)

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). (4-6-05)

iii. A high school is any school that contains grade twelve (12). (3-20-04)

iv. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. (3-20-04)

d. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-20-04)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-20-04)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-20-04)

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PENDING RULE

iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). (3-20-04)

iv. Limited English Proficient - individuals who score in the low range on the state-approved language proficiency test and meet one of the following criteria: (4-6-05)

(1) Individuals whose native language is a language other than English; or (4-6-05)

(2) Individuals who come from environments where a language other than English is dominant; or (4-6-05)

(3) Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. (4-6-05)

e. Graduation Rate. The State Board of Education will establish a target for graduation. All high schools must maintain or make progress toward the target each year. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the “safe harbor” is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

f. Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the “safe harbor” is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

113. REWARDS.

01. Distinguished Schools. A school may be recognized as a “Distinguished School” if it is in the top five percent (5%) of schools exceeding the Idaho Adequate Yearly Progress (AYP) intermediate targets listed in Subsection 112.02, of this rule, and if it has significantly reduced the gaps between subgroups listed in Subsection 112.03.d. of this rule. (3-30-07)

02. Additional Yearly Growth (AYG) Award. A school demonstrating improved proficiency levels of subpopulations or in the aggregate by greater than ten percent (10%) shall be considered to have achieved AYG. Such school must have achieved Adequate Yearly Progress (AYP) to be eligible for this award. (3-30-07)

03. Determination by State Department of Education. The State ~~Department~~ Board of Education will determine the schools eligible for the Distinguished School and AYG awards each year based upon the criteria outlined in Subsections 113.01 and 113.02. The ~~State Department of Education will present the schools to be recognized to the~~ State Board of Education will recognize the schools no later than the annual October Board Meeting.

(3-30-07)(____)

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0703

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 11, 2007. This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

As the State Board of Education moves toward a new delivery model for deaf/hard of hearing and blind/visually impaired students, new standards need to be developed. The new standards will provide guidance for the development of the education programs for students who are deaf or hard of hearing and /or those who are blind or visually impaired.

“Program Standards for Infants, Toddlers, Children, and Youth who are Blind or Visually Impaired” and “Program Standards for Infants, Toddlers, Children, and Youth who are Deaf or Hard of Hearing” are incorporated by reference into this rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 59 through 61.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Gerene Hamilton at (208) 332-1597 or Aylee Schaefer at (208) 332-1596.

DATED this 2nd day of November, 2007.

EDUCATION COMMITTEE

**STATE BOARD OF EDUCATION
Rules Governing Thoroughness**

**Docket No. 08-0203-0703
PENDING RULE**

Mike Rush, Interim Executive Director
State Board of Education
650 West State Street
PO Box 83720-0037, Boise, ID 83720-0037
(208) 332-1567 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **June 14, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held through presentation of comment in person at the following location: Comments that are presented in non-written form are limited to three minutes and must be submitted in written form as well. Written comments are not limited in length.

**August 16, 2007 -- 12:00 noon to 6 p.m.
Boise State University, Student Union Building
Berquist Lounge, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

As the State Board of Education moves toward a new delivery model for deaf/hard of hearing and blind/visually impaired students, new standards need to be developed. The new standards will provide guidance for the development of the education programs for students who are deaf or hard of hearing and /or those who are blind or visually impaired.

“Program Standards for Infants, Toddlers, Children, and Youth who are Blind or Visually Impaired” and “Program Standards for Infants, Toddlers, Children, and Youth who are Deaf or Hard of Hearing” are incorporated by reference into this rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

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The new standards are necessary to protect the public health, safety, or welfare and confer a benefit on the students who will be receiving these services.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The State Board of Education appointed several working groups beginning in July of 2005. One of those work groups began working on the standards in December of 2006 and met on several occasions since that time. The meetings of the work group were always open to the public and interested parties were allowed to make presentations and offer comments and recommendations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Allison McClintick at (208) 332-1579.

Anyone may submit written comments regarding the proposed rulemaking. Written comments may be made using the Board's website. If you wish to make comments concerning deaf/hard of hearing standards, individuals may do so at <http://www.boardofed.idaho.gov/ISDB/deaf.asp>. If you wish to make comments concerning blind/visually impaired standards, individuals may do so at <http://www.boardofed.idaho.gov/ISDB/blind.asp>.

Written comments may also be sent to the address below. All written comments must be received no later than 5:00 p.m. on August 22, 2007.

DATED this 14th day of June, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule:

(3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education on November 1, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>.

(3-30-07)

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on August 10,

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2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (3-30-07)

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (3-30-07)

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>. (3-30-07)

05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards. Achievement Standards as adopted by the State Board of Education on ~~August 10, 2006~~ May 30, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (~~3-30-07~~)()

06. The Idaho Alternative Assessment Extended Content Standards. The Idaho Alternative Assessment Extended Content Standards as adopted by the State Board of Education on April 20, 2006. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (11-1-06)T

07. The Idaho Alternative Assessment Extended Achievement Standards. Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on April 20, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (11-1-06)T

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ()

09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ()

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0704

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-105, Idaho Code and Public Law 107-110 ("No Child Left Behind") Section 1111.b.3.C.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rulemaking will add updated definitions that reflect current terminology and usage, eliminate redundant and outdated language, update the rules to include all assessments in Idaho's state system.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. The complete text of the proposed rule was published in the October 3, 2008 Idaho Administrative Bulletin, Vol. 07-10, pages 196 through 216.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rulemaking is non-controversial in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sandra DeKlotz at (208) 332-1580.

Anyone may submit written comments regarding this proposed rulemaking. All written

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PENDING RULE**

comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 2nd Day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 33-105, Idaho Code and Public Law 107-110 ("No Child Left Behind") Section 1111.b.3.C.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking will add updated definitions that reflect current terminology and usage, eliminate redundant and outdated language, update the rules to include all assessments in Idaho's state system.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rulemaking is non controversial in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact

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Saundra DeKlotz at (208) 332-1580.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 9th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education on November 1, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (3-30-07)()

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (3-30-07)()

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (3-30-07)()

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (3-30-07)()

05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards. Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (3-30-07)()

06. The Idaho Alternative Assessment Extended Content Standards. The Idaho Alternative Assessment Extended Content Standards as adopted by the State Board of Education on April 20, 2006. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov>. ()

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07. The Idaho Alternative Assessment Extended Achievement Standards. Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on April 20, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. ()

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on June 14, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (~~6-14-07~~)F()

09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on June 14, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. (~~6-14-07~~)F()

(BREAK IN CONTINUITY OF SECTIONS)

007. DEFINITIONS A - G.

01. Achievement Standards. Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and “beginning,” “advanced beginning,” “intermediate,” “early fluent” and “fluent” on the Idaho English Language Assessment (IELA) by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. ()

02. Advanced Opportunities. Are defined as Advanced Placement courses, Dual Credit courses, Tech Prep, or International Baccalaureate programs. (4-11-06)

023. Advanced Placement® (AP) - <http://www.collegeboard.com>. The Advanced Placement Program is administered by the College Board. AP students may take one (1) or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students can earn college credit by scoring well on the national exams. It is up to the discretion of the receiving college to accept the scores from the AP exams to award college credit or advanced standing. (4-11-06)

034. All Students. All students means all public school students, grades K-12. (4-11-06)

045. Alternative Assessment (Other Ways of Testing). Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios. (4-5-00)

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056. Assessment. The process of quantifying, describing, or gathering information about skills, knowledge or performance. (4-5-00)

067. Assessment Standards. (~~4-5-00~~)

~~a.~~ Statements setting forth guidelines for evaluating student work, as in the “Standards for the Assessment of Reading and Writing”; (4-5-00)

~~b.~~ *Measures of student performance.* (~~4-5-00~~)

078. Authentic. Something that is meaningful because it reflects or engages the real world. An “authentic task” asks students to do something they might really have to do in the course of their lives, or to apply certain knowledge or skills to situations they might really encounter. (4-5-00)

089. Basic Educational Skills Training. Instruction in basic skills toward the completion/attainment of a certificate of mastery, high school diploma, or GED. (4-5-00)

109. Classic Texts. Literary or other works (e.g., films, speeches) that have been canonized, either continuously or intermittently, over a period of time beyond that of their initial publication and reception. (4-5-00)

11. Content Standards. Describe the knowledge, concepts, and skills that students are expected to acquire at each grade level in each content area. ()

102. Context (of a Performance Assessment). The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills. (4-5-00)

143. Cooperative Work Experience. Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op. (4-5-00)

124. Criteria. Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides. (4-5-00)

135. Cues. Various sources of information used by readers to construct meaning. The language cueing systems include the graphophonic (also referred to as graphophonemic) system, which is the relationship between oral and written language (phonics); the syntactic system, which is the relationship among linguistic units such as prefixes, suffixes, words, phrases, and clauses (grammar); and semantic system, which is the study of meaning in language. Reading strategies and language cueing systems are also influenced by pragmatics-the knowledge readers

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have about the ways in which language is understood by others in their culture. (4-5-00)

146. “C” Average. A combined average of courses taken on a four (4) point scale with “C” equal to two (2) points. (4-11-06)

157. Decode. (4-5-00)

a. To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning. (4-5-00)

b. To change communication signals into messages, as to decode body language. (4-5-00)

168. Dual Credit. Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student’s permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus. (4-11-06)

179. Emergent Literacy. Development of the association of print with meaning that begins early in a child’s life and continues until the child reaches the stage of conventional reading and writing. (4-5-00)

1820. Employability Skills. Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility. (4-5-00)

219. Entry-Level Skills. The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (4-5-00)

202. Evaluation (Student). Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (4-5-00)

243. Experiential Education (Application). Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00)

224. Exploratory Experience (Similar to a Job Shadow). An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. (4-5-00)

235. Fluency. The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. (4-5-00)

246. Genre (Types of Literature). A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction,

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romance, or adventure are considered genres. (4-5-00)

257. Graphophonic/Graphophonemic. One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (4-5-00)

008. DEFINITIONS H - S.

01. Interdisciplinary or Integrated Assessment. Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (4-5-00)

02. International Baccalaureate (IB) - <http://www.ibo.org/ibo/index.cfm>. Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (4-11-06)

03. Laboratory. A laboratory science course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (4-11-06)

04. Learning Plan. The plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, professional-technical education (PTE), or humanities aligned with the student's post graduation goals. (4-11-06)

05. Narrative. Text in any form (print, oral, or visual) that recounts events or tells a story. (4-5-00)

06. Norm-Referenced Assessment. Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (4-5-00)

07. On-Demand Assessment. Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment. (4-5-00)

08. Performance Assessment. Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

09. Performance-Based Assessment. The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

10. Performance Criteria. A description of the characteristics that will be judged for

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a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

11. Phonics. Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

12. Portfolio. A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

13. Print Awareness. In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

14. Professional-Technical Education. Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

15. Proficiency. Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

16. School-to-Work Transition. A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

17. Service Learning. Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (4-5-00)

18. Skill Certificate. Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2) contractors. (4-5-00)

19. Standards. Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and performance achievement standards. (4-5-00)()

20. Standardization. A set of consistent procedures for constructing, administering

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and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

21. Standards-Based Education. Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

22. Structured Work Experience. A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (4-5-00)

23. Student Learning Goals (Outcomes). Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

102. INSTRUCTIONAL REQUIREMENTS.

All schools will deliver a core of instruction and advisement programs (see Section 108, Guidance Programs) for each student in elementary schools, middle schools/junior high and high schools. (4-5-00)

01. Standards. All students will meet standards established locally (at a minimum, the standards of the state) through rigorous accountability, which include challenging examinations, demonstrations of achievement, and other appropriate tests and measures. (4-5-00)

~~**02. Curriculum Guides.** The State Department of Education Curriculum Guides and any Achievement Standards Samples of Application may be used voluntarily and are designed to assist school districts as they develop educational programs and achievement standards. Notwithstanding the above, the State Division of Professional Technical Education will prepare curriculum guides and instructional aids for professional technical education programs in the~~

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~~public schools. (Section 33-118, Idaho Code)~~

~~(3-15-02)~~

(BREAK IN CONTINUITY OF SECTIONS)

105. GRADUATION FROM HIGH SCHOOL.

A student must meet all of the following requirements before the student will be eligible to graduate from an Idaho high school: (4-11-06)

01. Credit Requirements. (3-30-07)

a. (Effective for all students that graduate prior to January 1, 2013.) Each students shall demonstrate achievement in the CORE and other required subjects to include forty-two (42) semester credits, one (1) semester equaling one-half (1/2) year. (3-30-07)

b. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) Each student shall complete the requirements found in Section 107 and other subjects to include forty-six (46) semester credits, one (1) semester equaling one-half (1/2) year. (3-30-07)

02. **Achievement Standards.** Each student shall meet locally established subject area ~~achievement~~ standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. ~~(4-11-06)~~(____)

03. **Proficiency** ~~(Effective January 1, 2006)~~. Each student shall achieve a proficient or advanced score on the ~~High School~~ Grade 10 Idaho Standards Achievement Test (ISAT) in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and, ~~at the discretion of the school district or LEA, may shall~~ be given an opportunity to demonstrate proficiency of the ~~achievement~~ content standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. A district or LEA with an alternate mechanism on file with the Board on the effective date of this rule must re-submit their plans to the Board. Alternate mechanisms must be re-submitted to the Board when changes are made in their plans. ~~(4-11-06)~~(____)

a. Before ~~appealing to the school district or LEA for~~ entering an alternate measure, the student must be: ~~(4-11-06)~~(____)

i. Enrolled in a special education program and have an Individual Education Plan (IEP), or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less, or (3-20-04)

iii. Enrolled in the fall semester of the senior year. (3-20-04)

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- b. The measure must be aligned at a minimum to tenth grade state content standards; (3-20-04)
- c. The measure must be aligned to the state content standards for the subject matter in question; (3-20-04)
- d. The measure must be valid and reliable; and (3-20-04)
- e. Ninety percent (90%) of the criteria of the measure, or combination of measures, must be based on academic proficiency and performance. (3-20-04)

04. Foreign Exchange Students. Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

05. Special Education Students. A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

107. HIGH SCHOOL GRADUATION REQUIREMENTS.

01. Requirements. (Effective for all students that graduate prior to January 31, 2013.) The State minimum graduation requirement for all Idaho public high schools is forty-two (42) semester credits and a proficient or advanced score on the ISAT (~~effective January 1, 2006~~). The core of instruction required by the State Board of Education is twenty-five (25) semester credits. Local school districts may establish graduation requirements beyond the state minimum. The local school district has the responsibility to provide education opportunities that meet the needs of students in both academic and professional-technical areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. (~~3-30-07~~)(____)

02. Requirements. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) The State minimum graduation requirement for all Idaho public high schools requires that a student take a minimum of forty-six (46) semester credits and achieve a proficient or advanced score on the ISAT. (3-30-07)

- a. Twenty-nine (29) semester credits are required as listed in Subsections 107.03 through 107.08; and (3-30-07)
- b. A minimum of seventeen (17) elective credits. (3-30-07)
- c. All credit-bearing classes must be aligned with state high school standards in the

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content areas for which standards exist. (3-30-07)

d. Local school districts or LEAs may establish graduation requirements beyond the state minimum. The local school district or LEA has the responsibility to provide educational opportunities that meet the needs of students in both academic and professional technical areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. (3-30-07)

03. Secondary Language Arts and Communication. Eight (8) credits required that includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. One (1) credit of instruction in communications including oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the state high school communications standards requirements. (3-30-07)

04. Mathematics. (3-30-07)

a. Mathematics. (Effective for all students that graduate prior to January 31, 2013.) Eight (8) credits required, a minimum of four (4) credits in math and four (4) credits in science, two (2) of which will be laboratory based. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. Secondary sciences will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (3-30-07)

b. Mathematics. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) Six (6) credits required. Secondary mathematics shall include instruction in the following areas: (3-30-07)

i. Two (2) semesters of Algebra I or courses that meet Algebra I standards as approved by the State Department of Education; (3-30-07)

ii. Two (2) semesters of Geometry or courses that meet Geometry standards as approved by the State Department of Education; and (3-30-07)

iii. Two (2) semesters of mathematics of the student's choice. (3-30-07)

iv. Two (2) semesters of the required six (6) credits of mathematics must be taken in the last year of high school. (3-30-07)

c. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement. However the student must complete six (6) credits of high school math in addition to the courses completed in middle school. (3-30-07)

05. Science. (Effective for all students that enter the ninth grade in the fall of 2009 or

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later.) Six (6) credits required. (3-30-07)

a. Secondary sciences shall include instruction in the following areas: (3-30-07)

i. Biology; (3-30-07)

ii. Physical science or chemistry; and (3-30-07)

iii. Earth, space, environment, or approved applied science. (3-30-07)

b. Four (4) credits of courses outlined in Subsection 107.05.a. must be laboratory based. (3-30-07)

c. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement. However, the student must complete six (6) credits of high school science in addition to the courses completed in middle school. (3-30-07)

06. Social Studies. (Five (5) credits required), including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Current world affairs and geography will be integrated into all social studies instruction. Courses such as geography, sociology, world affairs, and world history may be offered as electives, not to be counted as a social studies requirement. (4-11-06)

07. Humanities. (Two (2) credits required). A course in interdisciplinary humanities, visual and performing arts, or world language. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course syllabus is approved by the State Department of Education as being aligned with the Humanities Standards. (4-11-06)

08. Health/Wellness. (One (1) credit required). A course focusing on positive health habits. (7-1-00)

09. College Entrance Examination. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACT or SAT. Scores must be included in the Learning Plan. (3-30-07)

10. Senior Project. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) A student shall complete a senior project that shall include a research paper and oral presentation by the end of grade twelve (12). (3-30-07)

11. Assessment. A student must achieve a proficient or advanced score on the Grade 10 ISAT in the tenth, eleventh, or twelfth grade. A student is not required to achieve a proficient or advanced score on the ISAT if: ~~(4-11-06)~~(____)

a. A student received a proficient or advanced score on an exit exam from another

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state that requires a standards-based exam for graduation. The state's exit exam shall be approved by the State Board of Education, and must measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; (4-11-06)

b. A student ~~appeals for~~ completes another measure ~~approved~~ established by a school district or LEA and reviewed by the Board as outlined in Subsection 105.03; or ~~(4-11-06)()~~

c. A student has an IEP that outlines alternate requirements for graduation. (4-11-06)

d. The requirement will be phased in providing the following exemptions for the calendar year of ~~2006 and~~ 2007. ~~(4-11-06)()~~

i. ~~Calendar year of 2006. A student is not required to achieve a proficient or advanced score on the ISAT if:~~ ~~(4-11-06)~~

~~(1) A student took the ISAT and was within six (6) Rasch Units (RIT points) of proficiency;~~ ~~(4-11-06)~~

~~(2) A student has a score of seventeen (17) on the ACT or two hundred (200) on the SAT in English and a score of nineteen (19) on the ACT or four hundred sixty (460) on the SAT in Math;~~ ~~(4-11-06)~~

~~(3) A student has an IEP that outlines alternate requirements for graduation;~~ ~~(4-11-06)~~

~~(4) A student is considered an LEP student through a score determined on the state language proficiency test and has been in an LEP program for three (3) academic years or less;~~ ~~(4-11-06)~~

~~(5) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or~~ ~~(4-11-06)~~

~~(6) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03.~~ ~~(4-11-06)~~

ii. Calendar year of 2007. A student is not required to achieve a proficient or advanced score on the ISAT if: (3-30-07)

(1) A student took the ISAT and was within three (3) RIT points of proficiency; (4-11-06)

(2) A student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (4-11-06)

(3) A student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (4-11-06)

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(4) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or (4-11-06)

(5) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (4-11-06)

iii. Calendar year of 2008 and subsequent classes. A student is not required to achieve a proficient or advanced score on the ISAT if: (3-30-07)

(1) A student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (3-30-07)

(2) A student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (3-30-07)

(3) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or (3-30-07)

(4) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

01. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. ~~A statewide student assessment program consisting of standardized achievement testing and performance appraisal activities in the fundamental basic skills will be conducted annually.~~ The State Board of Education will provide oversight for all components of the comprehensive assessment program. ~~The State Department of Education will be responsible for the administration of assessment efforts as provided for by the State Board of Education.~~

(3-15-02)(____)

02. Purposes. The purpose of assessment in the public schools is to: (3-15-02)

a. Measure and improve student achievement; (3-15-02)

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- b. Assist classroom teachers in designing lessons; (3-15-02)
- c. Identify areas needing intervention and remediation, and acceleration; (3-15-02)
- d. Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
- e. Inform parents and guardians of their child's progress; (3-15-02)
- f. Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
- g. Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
- h. Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

03. Content. The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the Direct Writing Assessment (DWA), the Direct Mathematics Assessment (DMA), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, and the Idaho Standards Achievement Tests (ISAT), and the Idaho Alternate Assessment. (~~3-20-04~~)()

04. Testing Population. All students in Idaho public schools, grades kindergarten through ~~ten~~ twelve (K-~~10~~12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (~~4-6-05~~)()

- a. All students who are eligible for special education shall participate in the statewide assessment program. (4-6-05)
- b. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (4-6-05)

c. Limited English Proficient (LEP) students, as defined in Subsection 112.03.d.iv., who receive a score ~~in the low range on the State Board of Education approved language acquisition proficiency test~~ below the fluent level on the Idaho English Language Assessment and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. Students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take ~~an English Proficiency test approved by the Board~~ the IELA in lieu of the reading/language usage ISAT, but will still be required to take the math ISAT with accommodations or adaptations as determined by the language proficiency score and ELP. Such LEP students will be counted as participants for the ninety-five percent (95%) participation target,

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as described in Subsection 112.03. However, such LEP students are not required to be counted for AYP purposes in determining proficiency, as described in Subsection 112.02. (~~4-11-06~~)()

05. Scoring and Report Formats. Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (5-3-03)

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.l. Each assessment will be comprehensive of and aligned to the Idaho State ~~Achievement~~ Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (~~4-6-05~~)()

a. Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-15-02~~)()

b. Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-15-02~~)()

c. Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

e. Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

f. Grade 5 - Direct Writing Assessment, Grade 5 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

g. Grade 6 - Direct Math Assessment, Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

h. Grade 7 - Direct Writing Assessment, Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

i. Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

j. Grade 9 - Direct Writing Assessment, Grade 9 Idaho Standards Achievement

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Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

k. Grade 10 - High School Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (~~3-20-04~~)()

l. Grade 11 – Idaho English Language Assessment. ()

m. Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (~~4-11-06~~)()

~~n.~~ *Students who achieve a proficient or advanced score on a portion or portions of the ISAT, or the Idaho Alternate Assessment, offered in the Spring of their tenth grade year or later are not required to continue taking that portion or portions. (~~3-20-04~~)()

07. Comprehensive Assessment Program Schedule. (5-3-03)

a. The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. (3-15-02)

b. The Direct Math Assessment and the Direct Writing Assessment will be administered in December in a time period specified by the State Department of Education. (3-15-02)

c. The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)

d. The Idaho Standards Achievement Tests will be administered twice annually in the Fall and Spring in a time period specified by the State Board of Education. (5-3-03)

e. The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. ()

f. The Idaho English Language Assessment will be administered in a time period specified by the State Board of Education. ()

08. Costs Paid by the State. Costs for the following testing activities will be paid by the state: (4-1-97)

a. All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)

b. Statewide distribution of all assessment materials; (3-15-02)

c. Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program; and (3-15-02)

d. Implementation, processing, scoring and distribution of prescribed reports for the Direct Writing Assessment and the Direct Mathematics Assessment. (3-15-02)

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09. Costs of Additional Services. Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)

10. Services. The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)

11. Test Security, Validity and Reliability. Test security is of the utmost importance. To ensure integrity of secure test items and protect validity and reliability of test outcomes, test security must be maintained. School districts will employ ~~the same~~ security measures in protecting statewide assessment materials from compromise ~~as they use to safeguard other formal assessments.~~ Each individual who has any opportunity to see test items must sign a state-provided confidentiality agreement, which the district must keep on file in the district for at least two (2) years. Documentation of security safeguards must be available for review by authorized state and federal personnel. (3-20-04)()

a. All ISAT paper and pencil test booklets will be boxed and shipped to the test vendor to be counted no later than two (2) weeks after the end of the testing window. (3-20-04)

b. The ISAT will be refreshed each year to provide additional security beginning with grades four (4) eight (8) and ten (10) in 2007. Items will be refreshed for grades three (3) and seven (7) in 2008; grades five (5) and six (6) in 2009; and grades two (2) and nine (9) in 2010. (3-20-04)

c. Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho ~~Achievement~~ Content Standards. (3-20-04)()

12. Demographic Information. Accurate ~~Demographic~~ information ~~will be~~ must be submitted as required for each test to assist in interpreting test results. It may include but ~~is not be~~ limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (5-3-03)()

13. Dual Enrollment. For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

a. The Idaho Standards Achievement Tests (grades 2-9 and High School). (5-3-03)

b. A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.13.b.i. through 111.13.b.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. (4-6-05)

i. Language Arts/Communications. (3-15-02)

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| ii. | Math. | (3-15-02) |
| iii. | Science. | (3-15-02) |
| iv. | Social Studies. | (3-15-02) |
| v. | Health. | (3-15-02) |
| vi. | Humanities. | (3-15-02) |

112. ACCOUNTABILITY.

The provisions in this section apply for the purposes of meeting the “No Child Left Behind” Act and the state of Idaho accountability requirements. (3-20-04)

01. ISAT Student Achievement Levels. There are four (4) levels of student achievement for the ISAT: Below Basic, Basic, Proficient, and Advanced. Definitions for these levels of student achievement are adopted by reference in Subsection 004.05. ~~(3-20-04)()~~

~~**a.** Advanced: Exceeds Standards. The student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently above his current educational level. (3-20-04)~~

~~i. The student demonstrates a comprehensive understanding of all relevant information. (3-20-04)~~

~~ii. The student demonstrates comprehension and understanding of knowledge and skills above his/her grade level. (3-20-04)~~

~~iii. The student can perform skills or processes independently without significant errors. (3-20-04)~~

~~**b.** Proficient: Meets Standards. The student demonstrates mastery of knowledge and skills that allow him/her to function independently on all major concepts and skills at his/her educational level. (3-20-04)~~

~~i. The student demonstrates a comprehensive understanding of all information relevant to the topic, at level. (3-20-04)~~

~~ii. The student can perform skills or processes independently without significant errors. (3-20-04)~~

~~**c.** Basic: Below Standards. The student demonstrates basic knowledge and skills usage but cannot operate independently on concepts and skills at his/her educational level. Requires remediation and assistance to complete tasks without significant errors. (3-20-04)~~

~~i. The student has an incomplete knowledge of the topic or misconceptions about some information. (3-20-04)~~

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~~ii. The student requires assistance and coaching to complete tasks without errors. (3-20-04)~~

~~d. Below Basic: Critically Below Standards. The student demonstrates significant lack of skills and knowledge and is unable to complete basic skills or knowledge sets without significant remediation. (3-20-04)~~

~~i. The student has critical deficiencies of relevant knowledge of topic or misconceptions about some information. (3-20-04)~~

~~ii. The student cannot complete any skill set without significant assistance and coaching. (3-20-04)~~

02. IELA Language Proficiency Levels. There are five (5) levels of language proficiency for students testing on the Idaho English Language Assessment: *beginning*, *advanced beginning*, *intermediate*, *early fluent*, and *fluent*. Definitions for these levels of language proficiency are adopted by reference in Subsections 004.02 and 004.04. ()

023. Adequate Yearly Progress (AYP). (3-20-04)

a. Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. (3-20-04)

b. The State Department of Education will make AYP determinations for schools and districts each year. Results will be given to the districts no later than one (1) month prior to the first day of school. (3-20-04)

c. The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-20-04)

034. Adequate Yearly Progress (AYP) Definitions. For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. (3-20-04)

a. Full Academic Year (continuous enrollment). (3-20-04)

i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the end of the state approved spring testing administration period will be included in the calculation to determine if the school achieved AYP. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. Students who are expelled but return to another school in the same district are considered continuously enrolled to determine the district AYP. (4-6-05)

ii. A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the end of the state approved spring testing administration period will be included when determining if the school district has achieved AYP. (4-6-05)

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iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the end of the state approved spring testing administration period will be included when determining if the state has achieved AYP. (4-6-05)

b. Participation Rate. (3-20-04)

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-20-04)

(1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation. (4-6-05)

(2) Students who are absent for the entire state-approved testing window because of a significant medical emergency are exempt from taking the ISAT if such circumstances prohibit them from participating. (4-6-05)

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination. (3-20-04)

c. Schools. (3-20-04)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-20-04)

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). (4-6-05)

iii. A high school is any school that contains grade twelve (12). (3-20-04)

iv. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. (3-20-04)

d. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-20-04)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-20-04)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-20-04)

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iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). (3-20-04)

iv. Limited English Proficient - individuals who score in the low range on the state-approved language proficiency test and meet one of the following criteria: (4-6-05)

(1) Individuals whose native language is a language other than English; or (4-6-05)

(2) Individuals who come from environments where a language other than English is dominant; or (4-6-05)

(3) Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. (4-6-05)

e. Graduation Rate. The State Board of Education will establish a target for graduation. All high schools must maintain or make progress toward the target each year. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the “safe harbor” is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

f. Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the “safe harbor” is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

05. Annual Measurable Achievement Objectives (AMAOs). Local school districts are responsible for ensuring district progress of Limited English Proficient (LEP) students in their acquisition of English. Progress and proficiency are measured by the IELA and determined based on three (3) AMAOs: ()

a. Annual increases in the percent or number of LEP students making progress in acquiring English language proficiency; ()

b. Annual increases in the percent or number of LEP students attaining English language proficiency by the end of the school year; and ()

c. Each school district must make Adequate Yearly Progress for LEP students on the spring ISAT. ()

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(BREAK IN CONTINUITY OF SECTIONS)

115. DATA COLLECTION.

The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. The enrollment collection will contain information about the enrollment of the student attributes such as active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status. The collection will be done in mid-October, early February, and May (end of the testing window). Each participating school is required to verify and assure the accuracy of the data submitted in the files ~~to assure accuracy.~~ (3-20-04)(____)

(BREAK IN CONTINUITY OF SECTIONS)

~~999~~171. GIFTED AND TALENTED PROGRAMS.

01. Definitions. The following definitions apply only to Section ~~999~~ 171 of these rules. (3-30-07)(____)

a. Department. State Department of Education. (3-30-07)

b. District. Local school district. (3-30-07)

c. Gifted/talented children. Those students who are identified as possessing demonstrated or potential abilities that give evidence of high performing capabilities in intellectual, creative, specific academic or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities Section 33-2001, Idaho Code. (3-30-07)

d. Governing gifted and talented educational requirements. Sections 33-201, 33-2001, 33-2003, Idaho Code. (3-30-07)

02. Legal Compliance. The State Department of Education and districts shall comply with all governing gifted and talented education requirements. (3-30-07)

03. District Plan. Each school district shall develop and write a plan for its gifted and talented program. The plan shall be submitted to the Department no later than October 15, 2001. The plan shall be updated and submitted every three (3) years thereafter and shall include: (3-30-07)

a. Philosophy statement. (3-30-07)

b. Definition of giftedness. (3-30-07)

c. Program goals. (3-30-07)

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- d. Program options. (3-30-07)
- e. Identification procedures. (3-30-07)
- f. Program evaluation. (3-30-07)

04. Screening. The district's process for identifying gifted and talented students shall include the following steps: (3-30-07)

a. The district shall screen all potentially gifted and talented students to ensure they have an opportunity to be considered; and (3-30-07)

b. The district shall assess those students meeting the screening criteria and gather additional information concerning their specific aptitudes and educational needs; and (3-30-07)

c. The district shall match student needs with appropriate program options. (3-30-07)

05. Assessment. Placement decisions shall not be determined by a single criterion (for instance, test scores, other measurement, teacher recommendation, or nomination). The district's identification process shall use multiple indicators of giftedness with information obtained through the following methods and sources: (3-30-07)

a. Procedures for obtaining information about students shall include formal assessment methods, such as group and individual tests of achievement, general ability, specific aptitudes and creativity. (3-30-07)

b. Procedures for obtaining information about students shall also include informal assessment methods, such as checklists, rating scales, pupil product evaluations, observations, nominations, biographical data, questionnaires, interviews and grades. (3-30-07)

c. Information about students shall be obtained from multiple sources, such as teachers, counselors, peers, parents, community members, subject area experts, and the students themselves. (3-30-07)

06. Administration. The district shall designate a certificated staff person to be responsible for development, supervision, and implementation of the gifted and talented program. (3-30-07)

1742. -- 199. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

201. -- 20999. (RESERVED).

~~210. ACHIEVEMENT STANDARDS DEFINITION.~~

~~Idaho State Board of Education's Definition of an Achievement Standard: "Specific subject~~

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~~criteria which, when measured, show a specific level of content knowledge and demonstrated application.”~~ (3-30-01)

~~211. KINDS OF STANDARDS.~~

~~(Normally discussed when trying to define standards.)~~

(4-5-00)

~~01. **Content Standards.** Content standards are statements that clearly define what students should know and be able to do in various subject areas and at different points in their education.~~ (4-5-00)

~~02. **Performance Standards.** Performance standards provide concrete examples and explicit definitions of how well students must learn the material represented by content standards.~~ (4-5-00)

~~03. **Assessment Standards.** Assessment is the measurement of what a student knows and is able to do, usually expressed in terms of progress toward a standard.~~ (4-5-00)

~~212.—214. (RESERVED).~~

~~215. ABBREVIATIONS.~~

~~01. **Language Arts/Communications.**~~ (4-5-00)

~~a. ICTE. Idaho Council of Teachers of English.~~ (4-5-00)

~~b. NCTE. National Council of Teachers of English.~~ (4-5-00)

~~c. IRA. International Reading Association.~~ (4-5-00)

~~d. ICIRA. Idaho Council of the International Reading Association.~~ (4-5-00)

~~02. **Science Committee Acronyms.**~~ (4-5-00)

~~a. NSTA. National Science Teachers Association.~~ (4-5-00)

~~b. ISTA. Idaho Science Teachers Association.~~ (4-5-00)

~~c. AAAS. American Association for the Advancement of Science.~~ (4-5-00)

~~d. NRC. National Research Council.~~ (4-5-00)

~~216. GLOSSARY OF MATHEMATICAL TERMS.~~

~~01. **Appropriate Technology.** May include paper and pencil, graph paper, simple calculators, graphing calculators, computers with spreadsheets, or even specialized mathematics software such as Geometer's Sketchpad or Maple. It is the decision of school districts and teachers to determine which tools are most appropriate for both instruction and application.~~ (4-5-00)

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~~02. **Arithmetic Operations.** Basic operations on numbers, including addition, subtraction, multiplication, division, and exponentiation (raising a number to a power). (4-5-00)~~

~~03. **Function.** One (1) of the most important and fundamental concepts in mathematics. Functions have inputs (domain values) and transform these inputs into unique outputs (range values). The function is the process or rule that accomplishes this transformation. Functions may be described by: (4-5-00)~~

~~a. Tables of values, such as a table of heights with associated idealized weights. (4-5-00)~~

~~b. Graphs, such as a chart depicting a company's daily closing stock price over the last year. (4-5-00)~~

~~c. Calculator function buttons, where the domain (input) value is the number keyed in, the function is performed by the circuitry in a chip, and the range (output) value is the number read in the display after pressing the function button. (4-5-00)~~

~~d. Spreadsheet functions, where the domain (input) value is the content of the cell referenced, the function is the subprogram that actually performs the computation, and the range (output) value is the number that is computed. (4-5-00)~~

~~e. An explicit formula, such as the squaring function " $f(x)=x^2$ " which takes any input " x " and transforms it by multiplying " x " by itself. (4-5-00)~~

~~04. **The Language of Algebra.** Algebra is that branch of mathematics dealing with the study of number systems. The common number systems include the natural numbers, the integers (includes zero and the negatives of the counting numbers), the rational numbers (fractions), the real numbers (decimals), and the complex numbers (like $2-4i$). Algebra uses letters and other symbols to describe general properties of numbers, to specify conditions placed on them, or to describe relationships between them. (4-5-00)~~

~~05. **Linear Equation.** An equation, in which the variables (unknowns) occur only to the first power, multiplied only by constants. For example, the equations:-~~

THIS GRAPHIC IS BEING DELETED

$$4x - 3 = \sqrt{2} \quad \text{and} \quad \frac{1}{2}x - 7y = 11$$

~~are linear in one (1) and two (2) variables respectively, while: $x^2 + 5x + 7 = 0$ and $xy = 1$ are nonlinear equations. A linear equation in two (2) variables has a graph that is a straight line in the coordinate plane. A linear equation in three (3) variables has a graph which is a plane in 3-space. (4-5-00)~~

~~06. **Linear Programming.** A mathematical technique to solve optimization problems involving linear objective functions (such as maximizing profit or minimizing cost) subject to linear inequality constraints (such as amount of ingredients available, the relative proportions~~

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~~used, and relative costs).~~ (4-5-00)

~~**07. Linear System.** A system of more than one (1) equation or inequalities, each using the same variables, and each linear. A solution to the system is any assignment of values to the variables that makes every equation or inequality simultaneously true. The complete solution is the set of all possible solutions.~~ (4-5-00)

~~**08. Mathematical Model.** Equations, inequalities, functions, or other mathematical expressions that model a real world process. Realistic mathematical models are increasingly important in the modern world, especially with the increased use of powerful computers. Many processes, which formerly could only be studied by expensive laboratory experiments, can now be studied as realistic mathematical models.~~ (4-5-00)

~~**09. Mean, Median, and Mode.** Three (3) common ways to measure the center of a set of numerical data. The mean is the arithmetic average of the data. The median is the middle value of the sorted data set with an odd number of items or the average of the middle two (2) values when the data contains an even number of items. The mode is the most common data value, if it exists. Of the three (3), the mean and median are more useful and frequently used. In any particular application, whether the mean or median is more appropriate depends on the data set and the intended use.~~ (4-5-00)

~~**10. Order of Operations.** The commonly accepted rules used for reading algebraic expressions or evaluating arithmetic expressions.~~ (4-5-00)

~~**a.** Evaluate expressions inside parentheses first.~~ (4-5-00)

~~**b.** Within the same level of parentheses:~~ (4-5-00)

~~**i.** Evaluate exponents first;~~ (4-5-00)

~~**ii.** Evaluate products and/or quotients next;~~ (4-5-00)

~~**iii.** Evaluate sums and/or differences last.~~ (4-5-00)

~~**e.** Examples: $2 * 32 + 4 = 22$, $2(32 + 4) = 2 * 13 = 26$, $(2 * 3)2 + 4 = 62 + 4 = 40$.~~ (4-5-00)

~~**11. Probability.**~~ (4-5-00)

~~**a.** The branch of mathematics dealing with chance. The experimental model is one (1) illustration of probability. Imagine an experiment with outcomes. An event is a collection of outcomes. The probability of an event is the proportion of the experiments that result in an outcome in the event. The probability of an event is always a number between zero (0) and one (1). Events with probabilities near one (1) are very likely to occur, while those with probabilities near zero (0) are very unlikely.~~ (4-5-00)

~~**b.** Example. To estimate the probability that a randomly selected, adult American female is between sixty (60) inches and sixty-six (66) inches tall, select an adult American female~~

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~~at random and measure her height. If one thousand (1,000) women are selected and measured, the probability would be the proportion of the experiments that selected a woman between those heights.~~ (4-5-00)

~~**12. Pythagorean Theorem.** A theorem from Euclidean geometry about right triangles. The hypotenuse of a right triangle is the side opposite the right angle. The legs are the other two (2) sides. The theorem states that the square of the hypotenuse is the sum of the squares of the legs.~~ (4-5-00)

~~**13. Quadratic Equation.** An equation, which can be reduced to the form $ax^2 + bx + c = 0$, with a , b , and c constants, where a does not equal 0.~~ (4-5-00)

~~**14. Scaling Factor.** The ratio between the corresponding dimensions of two (2) figures of the same shape.~~ (4-5-00)

~~**15. Statistics.** The branch of mathematics dealing with collecting, analyzing, and reasoning from data. The process may involve collecting all of the possible data (a census), or it may involve collecting a subset or sample of the data. The analysis may involve organizing, condensing, calculating summary measurements (statistics), or constructing graphical displays. These descriptive tools help draw conclusions about the real world from which the data originated. When appropriate, probability models provide the framework for attaching a measure of confidence to the conclusions.~~ (4-5-00)

~~**16. Standard Deviation.** A measure of the spread of a set of numerical data. If a data set has a relatively large standard deviation, then the data is very spread out. If the standard deviation is small, the data is highly clustered.~~ (4-5-00)

~~**17. Tolerance.** The acceptable range of accuracy of a measurement, or the allowable error in a given measurement.~~ (4-5-00)

~~**217.—998. (RESERVED).**~~

EDUCATION COMMITTEE

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS

DOCKET NO. 08-0204-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 219 through 221.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tamara Baysinger at (208) 332-1583.

DATED this 2nd day of November, 2007.

Tracie Bent
State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1567 phone
(208) 334-2632 FAX

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

EDUCATION COMMITTEE

STATE BOARD OF EDUCATION Rules Governing Public Charter Schools

Docket No. 08-0204-0701
PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-5203, and 33-5213, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Public charter school petitioners are not currently required to address or respond to findings of the State Department of Education's sufficiency review, which is intended to ensure legal sufficiency of the petition prior to its submission to an authorized chartering entity.

The proposed rule will require public charter school petitioners to address or respond to the findings of the State Department of Education's sufficiency review and include said responses, in writing, with the petition upon submission to an authorized chartering entity.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rulemaking is being done based on a recommendation from a report issued by the Office of Performance Evaluations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tamara Baysinger at (208) 332-1583.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 9th day of August, 2007.

EDUCATION COMMITTEE

FOLLOWING IS THE TEXT OF THE PENDING RULE

205. REVIEW OF PETITIONS.

01. Initial Review of Petition. Prior to submitting a petition with an authorized chartering entity, petitioners shall submit six (6) copies of the proposed draft petition to the Department, which shall review the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code. (4-11-06)

02. Timeframe for Initial Review. The Department shall complete the initial review of the proposed draft petition as soon as reasonably practicable after the date the proposed draft petition is received by the Department, but not later than thirty (30) days after receipt. (4-11-06)

03. Notification of Findings After Initial Review. The Department shall notify the petitioners promptly in writing describing the results of the initial review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition. (4-11-06)

04. Written Response to Initial Review. Petitioners shall include a copy of the Department's initial review of the proposed draft petition, and a written response to the findings of such review, with the petition upon submission to an authorized chartering entity. Deficiencies in the petition identified by the Department's initial review shall be addressed in the written response. ()

045. Substantive Review of Petition. The substantive review of the merits of a petition by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. (4-11-06)

056. Timeframe for Substantive Review. An authorized chartering entity must comply with the procedural requirements described in Section 33-5205, Idaho Code. (4-11-06)

a. Unless a petition is referred to the Commission as authorized by Section 33-5205(1)(c)(iii), Idaho Code, and as discussed in Subsection 206.01 of these rules, an authorized chartering entity must hold a public hearing not later than sixty (60) days after receipt of the petition, for the purpose of considering the merits of the petition, as well as the level of employee and parental support for the proposed public charter school. In the case of a petition being reviewed by the Commission, the public hearing must also include any oral or written comments, if any, from an authorized representative of the school district in which the proposed public charter school would be physically located regarding the merits of the petition and any potential impacts on the school district. (4-11-06)

b. An authorized chartering entity must make a decision on whether to approve the petition within sixty (60) days after the date of the public hearing on the merits of the petition. (4-11-06)

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c. The authorized chartering entity may unilaterally determine to extend the date by which a decision is required to be made up to an additional sixty (60) days if it determines the petition is incomplete. (4-11-06)

d. The Commission and the petitioners may mutually agree to extend the date by which a decision is required to be made on the merits of the petition up to an additional ninety (90) days. (4-11-06)

067. If Approved, Charter Is Subject to Limitations on Number of New Charters. (4-11-06)

a. If a petition is approved, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to approve the charter. It shall be the responsibility of the petitioners to provide the Board with this written notice of approval, and with a copy of the final approved petition, in accordance with the procedure described in Section 100 of these rules. (4-11-06)

b. The approval of a charter by an authorized chartering entity does not provide the petitioners with any right to begin educational instruction at the public charter school during a particular school year, or in accordance with the terms and conditions of the charter, as such approval is conditioned upon the limitations on the number of new public charter schools that may be approved to begin educational instruction for a school year, as described in Section 100 of these rules. (4-11-06)

078. If Denied, Petitioners May Appeal. (4-11-06)

a. If a petition is denied, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states or explains the criteria and standards considered relevant by the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity. (4-11-06)

b. The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules. (4-11-06)

EDUCATION COMMITTEE

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

30.01.01 - RULES OF THE IDAHO STATE LIBRARY GOVERNING THE USE OF STATE LIBRARY MATERIALS AND SERVICES

DOCKET NO. 30-0101-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-2503, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, page 71.

This chapter is hereby repealed in its entirety. It has been rewritten and adopted as a pending rule and is being published in this Bulletin following this notice under Docket No. 30-0101-0702.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ann Joslin, State Librarian, at (208) 334-2150.

DATED this 27th day of July, 2007.

Ann Joslin, State Librarian
Idaho Commission for Libraries
325 W. State St.
P. O. Box 83720, Boise, Idaho 83702
(208) 334-2150 phone / (208) 334-4016 fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

EDUCATION COMMITTEE

IDAHO COMMISSION FOR LIBRARIES Use of State Library Materials & Services

Docket No. 30-0101-0701
PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-2503, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This entire chapter of rules is being repealed. It will be replaced by a completely rewritten chapter proposed under Docket No. 30-0101-0702 that is being published in this Bulletin.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted prior to the publication of the proposed rule because the existing chapter of rules is being repealed as a part of the promulgation process for the rewrite. The entire chapter is being rewritten based on changes to Title 33, Chapter 25, Idaho Code, made by the 2006 Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ann Joslin, State Librarian, at (208) 334-2150.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 30th day of May, 2007.

IDAPA 30.01.01 IS BEING REPEALED IN ITS ENTIRETY.

EDUCATION COMMITTEE

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

30.01.01 - RULES OF THE IDAHO COMMISSION FOR LIBRARIES GOVERNING THE USE OF COMMISSION SERVICES

DOCKET NO. 30-0101-0702 (CHAPTER REWRITE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-2503, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, pages 72 through 78.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ann Joslin, State Librarian, at (208) 334-2150.

DATED this 27th day of July, 2007.

Ann Joslin
State Librarian
Idaho Commission for Libraries
325 W. State St.
P. O. Box 83720
Boise, Idaho 83702
(208) 334-2150 phone
(208) 334-4016 fax

EDUCATION COMMITTEE

IDAHO COMMISSION FOR LIBRARIES
Rules Governing the Use of Commission Services

Docket No. 30-0101-0702
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-2503, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules are being proposed to implement the provisions of Title 33, Chapter 25, Idaho Code, amended by the 2006 Idaho Legislature. The proposed changes will provide rules for the conduct of the business of the Commission, provide location and mailing information, define terms, set out the requirements for certain grant programs, and establish criteria for requests for exemption from proposed library districts.

The current chapters of rules relating to the former Idaho State Library will be repealed.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted prior to the publication of the proposed rule because rule changes are being made based on changes to Title 33, Chapter 25, Idaho Code, made by the 2006 Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ann Joslin, State Librarian, at (208) 334-2150.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

EDUCATION COMMITTEE

IDAHO COMMISSION FOR LIBRARIES
Rules Governing the Use of Commission Services

Docket No. 30-0101-0702
PENDING RULE

DATED this 30th day of May, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 30 TITLE 01 CHAPTER 01

30.01.01 - RULES OF THE IDAHO COMMISSION FOR LIBRARIES GOVERNING THE USE OF COMMISSION SERVICES

000. LEGAL AUTHORITY.

In accordance with Section 33-2503(2), Idaho Code, the Board of Library Commissioners shall promulgate rules for the proper conduct of business for the Idaho Commission for Libraries.

()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 30.01.01, "Rules of the Idaho Commission for Libraries Governing the Use of Commission Services."

()

02. Scope. These rules govern the use of the Idaho Commission for Libraries services.

()

002. WRITTEN INTERPRETATIONS.

This Commission may have written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the Commission office.

()

003. ADMINISTRATIVE APPEALS.

Appeals from the agency's denial of eligibility for LSTA grant funding or denial of a request for exemption from criteria for a proposed library district shall be governed by the provisions of the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General."

()

004. INCORPORATION BY REFERENCE.

01. Federal Law. The Library Services and Technology Act, 20 U.S.C.A. Section 9121, et. seq., as set forth in Title II of the Museum and Library Services Act, Public Law 108-81,

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effective September 25, 2003. Copies of the Library Services and Technology Act are available at the offices of the Idaho Commission for Libraries. ()

02. Application Process Guides. Grants may be made with monies pursuant to procedures set forth in the respective LSTA Guide. Copies of the Guides are available on the Commission's website or at the offices of the Idaho Commission for Libraries. ()

a. The FY2006 LSTA Guide, effective May 2005. ()

b. The FY2007 LSTA Guide, effective September 2006. ()

c. The FY2008 LSTA Guide, effective August 2007. ()

005. COMMISSION OFFICE LOCATION, MAILING ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER, ELECTRONIC ADDRESS, AND OFFICE HOURS.

01. Street Address. The offices of the Commission are located at 325 W. State Street, Boise, Idaho. ()

02. Mailing Address. The mailing address of the Commission is 325 W. State Street, Boise, Idaho 83702. ()

03. Telephone Number. The telephone number of the Commission is (208) 334-2150. ()

04. Facsimile. The facsimile number of the Commission is (208) 334-4016. ()

05. Electronic Address. The Commission's web address is <http://libraries.idaho.gov>. ()

06. Hours. The Commission office hours are from 8 a.m. until 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. ()

006. FILING OF DOCUMENTS.

All documents, applications, correspondence, or other written materials that are intended to be acted upon by the Commission must be mailed to the Commission at the mailing address set forth in Section 005 of these rules. The original of any documents, applications, correspondence, or other written materials that are submitted to the Commission using its facsimile number or sent via electronic mail must be deposited into the U.S. Mail, postage prepaid, addressed to the Commission, that same day. ()

007. PUBLIC RECORDS ACT COMPLIANCE.

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 9, Chapter 3, Idaho Code). ()

008. -- 010. (RESERVED).

011. DEFINITIONS.

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01. Academic Library. A library organized and operating as part of an institution of higher education. ()

02. Board. The Idaho Board of Library Commissioners as established in Title 33, Chapter 25, Idaho Code. ()

03. Commission. The Idaho Commission for Libraries as established in Title 33, Chapter 25, Idaho Code. ()

04. Library Clientele. The clientele of a library is dependent upon the type of library: ()

a. Academic library. The students, staff, and faculty of the academic institution. ()

b. Public library. The residents of the library's legal service area, as defined by the boundaries of its jurisdiction, and any non-residents as further defined by the library board's policies and contracts. ()

c. School library. The students, staff, and faculty of the school or school district. ()

d. Special library. The patrons of the individual library and/or its parent institution. ()

05. Library Consortia. A local, regional, statewide, or interstate cooperative association of library entities which provides for the systematic and effective coordination of the resources of academic, public, school, and/or special libraries for improved services for the clientele of the member library entities. ()

06. Public Library. A library organized and operating in compliance with Title 33, Chapter 26 or Title 33, Chapter 27, Idaho Code. ()

07. School Library. A library organized and operating as part of a primary and/or secondary school or school district. Also called a school library media center. ()

08. Special Library. A library that is not an academic, public, or school library, usually organized to meet a specialized mission and operating with a specialized collection, and/or to serve a specialized clientele. ()

012. ABBREVIATIONS.

01. LiLI. Libraries Linking Idaho. ()

02. LSTA. Library Services and Technology Act. ()

013. -- 019. (RESERVED).

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020. LSTA (LIBRARY SERVICES AND TECHNOLOGY ACT) GRANT PROGRAM - GENERAL ELIGIBILITY REQUIREMENTS - ADDITIONAL ELIGIBILITY REQUIREMENTS.

01. General Eligibility Requirements for Public, School, Academic, and Special Library Applicants. In addition to applicant-specific criteria set forth in Subsections 020.02 and 020.03 of these rules, any LSTA grant program library applicant or participant must meet the following eligibility requirements: ()

a. The library is, or is part of, a non-profit institution or agency that receives substantial support from public tax revenues. ()

b. The library has a current, written long range or strategic plan that is available in the library for review. ()

c. The library consists of a specific, permanent space exclusively designated for providing library services. ()

d. The library collects, provides, and coordinates access to library materials. ()

e. The library serves its clientele free of charge. ()

f. The library maintains regular and published hours of operation. ()

i. Academic library: minimum of seventy-five (75) hours per week while school is in session. ()

ii. Public library: minimum of twelve (12) hours per week, including some evening or weekend hours. ()

iii. School library: minimum of six (6) hours per day while school is in session. ()

iv. Special library: dependent upon mission. ()

g. The library employs an administrator who is responsible for the daily operations of the library. ()

h. The library has at least one (1) paid staff member on duty in the library during the hours the library is open. ()

i. The library has an operable phone within the place set aside for the library and an e-mail address. ()

j. The library loans its materials to other Idaho libraries without charge. ()

k. The library provides training opportunities for its staff. ()

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1. The library offers computer access, including Internet access, for its clientele, and has a policy that addresses acceptable use. ()

02. Additional Eligibility Requirements for School and Academic Libraries. In addition to the criteria set forth in Subsection 020.01 of these rules, any LSTA grant program school or academic library applicant or participant must also meet the following requirements: ()

a. The school is on the Idaho State Department of Education's current Accreditation Summary Report. ()

b. The school district employs a certificated media generalist. ()

c. The academic institution is accredited by the Northwest Commission on Colleges and Universities. ()

03. Additional Eligibility Requirements for Public Libraries. In addition to the criteria set forth in Subsection 020.01 of these rules, any LSTA grant program public library applicant or participant must also meet the following requirements: ()

a. The library is established and operating in compliance with Title 33, Chapter 26 or Title 33, Chapter 27, Idaho Code. ()

b. The library does not charge a fee to any resident of its legal service area for any basic library service. Basic library services include: ()

i. Access during posted operating hours to library collections and the Internet. ()

ii. Circulation of library materials, regardless of format. ()

iii. Access to interlibrary loan services. Postage charges for interlibrary loans are assumed by the library, not the user. ()

iv. Reference services, regardless of format. ()

c. The library has a completed "Idaho Public-District Library Annual Statistical Report" for the preceding fiscal year accepted by, and on file at, the Commission for Libraries. ()

d. The library maintains a website that provides current information about, or access to, its services including: ()

i. Library name. ()

ii. Library address - both mailing address and street address, if different. ()

iii. Library phone number. ()

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- iv. E-mail address and/or contact form. ()
- v. Hours of operation. ()
- vi. Names of library board members. ()
- vii. Link to online catalog, if the library has one. ()
- viii. Link to the LiLI Portal or to the LiLI Databases and the LiLI Unlimited statewide catalog with the “funded by LiLI” icon. ()
- ix. Description of library services. ()
- x. Date “last updated” or “last reviewed” appears on each web page. ()

021. LIBRARY CONSORTIUM APPLICANTS.

Any LSTA grant program library consortium applicant or participant must have a formal organizational structure with at least the following elements in place: ()

- 01. **Name.** A name for the consortium. ()
- 02. **Identification Number.** A tax identification number or an employer identification number (EIN) for the consortium. ()
- 03. **Members List.** A list of all the members. ()
- 04. **Governance Structure.** A representative governance structure and the name or names of the individuals with leadership roles and responsibilities identified. ()
- 05. **Funding Mechanism.** A sustaining funding mechanism supported in part by local funds from the members involved. ()
- 06. **Plan.** A current, written long range or strategic plan approved by the members and available for review. ()
- 07. **Agreement or By-Laws.** A cooperative agreement or by-laws of the organization signed by each member. ()
- 08. **Policies and Procedures.** Policies and procedures for services, such as reciprocal borrowing, shared circulation, materials delivery, and cooperative collection development. ()
- 09. **Addition or Withdrawal of Members.** Procedures for adding members to, and withdrawing members from, the consortia. ()

022. NON-LIBRARY ENTITIES.

Any LSTA grant program non-library entity applicant or participant must: ()

- 01. **Registered Non-Profit.** Be a non-profit corporation registered with the Idaho

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Secretary of State under the Idaho Non-Profit Corporation Act (Title 30, Chapter 3, Idaho Code);
and ()

02. Tax Exempt. Have tax exempt status under Internal Revenue Code, 26 U.S.C. Section 501(c)(3) or be tax-exempt as a governmental unit or publicly supported organization under Internal Revenue Code, 26 U.S.C. Section 509(a)(1). ()

023. PROCESS FOR GAINING ACCESS TO THE SERVICE.

01. Application Process. The application process for funds (under the LSTA grant programs described in Sections 020, 021, and 022 of these rules) from each annual allotment is described in the Commission's LSTA Guide, available in print at the Commission offices and on the Commission's website. ()

02. Application Forms. All applicants seeking to participate in any LSTA grant program must apply on forms provided by the Commission. ()

024. – 029. (RESERVED).

030. REQUEST FOR EXEMPTION FROM THE CRITERIA FOR A PROPOSED LIBRARY DISTRICT - SECTION 33-2703(5), IDAHO CODE.

01. Exemption Requests. An applicant requesting exemption must apply on forms provided by the Commission and must submit the completed application at least six (6) months prior to the election to be conducted to establish the district. ()

02. Factors in Evaluating the Request for Exemption. In reviewing applications for exemption, the following factors shall be considered: ()

a. Service plan and budget. ()

i. Will the proposed district meet the Commission's LSTA grant eligibility requirements? ()

ii. Is there an awareness of current trends in library service and the ability to offer new services as the need is identified? ()

iii. Is the proposed budget commensurate with the service plan? ()

iv. Is the district as described likely to be able to sustain a level of library services that is consistent with state plans? ()

b. Proposed boundaries, population size, and levy. ()

i. Have the organizers investigated all reasonable alternatives, including those identified by Commission staff? ()

ii. Have the organizers met with neighboring library boards to discuss possible

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annexation or combination? Have those neighboring boards indicated that they are not interested?
()

iii. Does area history suggest the election is not likely to pass with expanded boundaries?
()

iv. Is the proposal part of a plan to use the proposed district as a stepping stone to a larger district?
()

c. Anticipated impact in the event exemption is not granted. ()

i. Will current services significantly decline? ()

ii. Will the long-term effects be so negative that library service will be badly damaged in the long run? ()

031. – 999. (RESERVED).

EDUCATION COMMITTEE

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

30.01.02 - RULES OF THE IDAHO STATE LIBRARY GOVERNING PARTICIPATION IN STATE LIBRARY-ADMINISTERED GRANTS

DOCKET NO. 30-0102-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-2503, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, page 79.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ann Joslin, State Librarian, at (208) 334-2150.

DATED this 27th day of July, 2007.

Ann Joslin, State Librarian
Idaho Commission for Libraries
325 W. State St.
P. O. Box 83720, Boise, Idaho 83702
(208) 334-2150 phone / (208) 334-4016 fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

EDUCATION COMMITTEE

IDAHO COMMISSION FOR LIBRARIES Participation in State Library-Administered Grants

Docket No. 30-0102-0701
PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-2503, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This entire chapter of rules is being repealed. It will be replaced by a completely rewritten chapter proposed under Docket No. 30-0101-0702 that is published in this Bulletin.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fees or charges are being imposed or increased.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There will be no negative fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted prior to the publication of the proposed rule because the existing chapter of rules is being repealed as a part of the promulgation process for the rewrite. The entire chapter is being rewritten based on changes to Title 33, Chapter 25, Idaho Code, made by the 2006 Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ann Joslin, State Librarian, at (208) 334-2150.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 30th day of May, 2007.

IDAPA 30.01.02 IS BEING REPEALED IN ITS ENTIRETY.